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CONNECTICUT

AS A

CORPORATE COLONY

BY

NELSON PRENTISS MEAD

DISSERTATION

SUBMITTED IN PARTIAL FULFILMENT OF THE REQUIREMENTS FOR THE DEGREE OF DOCTOR OF PHILOSOPHY IN THE FACULTY OF POLITICAL SCIENCE IN COLUMBIA UNIVERSITY

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INTRODUCTION.

The central fact in the constitutional development of Connecticut is its continuity. Any division of its colonial history into periods must be largely arbitrary. From the founding of the colony until its separation from the mother country, a period of nearly one hundred and fifty years, the institutional development of the colony was a steady and natural growth. True, there was the Andros regime, but this was merely a brief hiatus in the colony's history, and its effect upon Connecticut institutions was practically nil. As a type of the New England corporate colony, therefore, Connecticut possesses certain advantages over its prototype Massachusetts. The progress of the latter in the evolution of a Commonwealth was seriously hampered, if not cut short, by the substitution of the provincial charter of 1691 for the old corporate charter. Connecticut, on the other hand, was allowed to complete its colonial development largely independent of external control. It would probably be an error to say that Connecticut was in no way affected by the changing attitude of the authorities in England in relation to colonial matters. The growth of imperial control, and the formation of more intimate relations between the home government and the American colonies, which was a feature of the English colonial policy during the latter part of the seventeenth and of the eighteenth centuries, unquestionably had its influence upon the internal development of the colony. Probably many ventures were abandoned, and others not entered upon, because of the fear of the interference from England. The colony leaders had an ever present example in Massachusetts of

what too strenuous opposition to Imperial control was liable to result in, and they probably deemed it wiser to bend than be broken. But this does not alter the essential fact that Connecticut presents the spectacle of a self-centered corporate colony, which, throughout its colonial history, shaped its own institutions in its own way. That this was done generally with wise conservatism, was due in a large measure to the sagacity and good sense of the colonists, and to the ability of the leaders who were called to direct the affairs of state.

Connecticut has been referred to as a type of the New England corporate colony. A word needs to be said as to the chief characteristics of this type of colonial government. English colonization during the seventeenth century was the result of private initiative. The English Crown was not directly a colonizing agency. It might, and it did, encourage colonization, by making large grants of territory, and by bestowing trade privileges and subordinate rights of government, but the Sovereign was slow to embark upon adventures involving considerable financial outlay, with no great certainty of success. Such exploits were left to more enterprising individuals. If they succeeded, it would redound to the honor and possible profit of the Crown; if they failed the Sovereign was not the loser.

Individual effort in colonization found expression in two types of colonial agencies, the proprietorship, and the corporate colony. It was only when colonization had passed beyond the experimental stage, and the possibilities of profitable exploitation of the colonies had become manifest, that the King took a direct interest in and control of colonization. Such control implied the metamorphosing of the two earlier types of colonial government into a new type, which would bring the colonies into

closer relations with the mother country. This transition introduced the third type, that of the royal province. Viewed then from the standpoint of imperial control, the three types of colonial government would be grouped, the corporate and proprietary on the one hand, and the royal on the other.

But there is another way of looking at the colonies, namely, from the standpoint of their internal organization, leaving out of sight entirely, their relations with the Home government. From this point of view, as will be seen, a different grouping of the three types is necessary.

The proprietorship was the earliest type of colonial agency. The granting of large tracts of unsettled territory was a convenient and inexpensive method of rewarding favorite courtiers or needy nobles. In making such grants the fief was selected as the form of grant, while in conferring subordinate rights of government, the powers of the Counts palatine were selected as a model.[1] This implied conferring upon the Proprietor semi-regal powers; he, or they, became the head and source of all governmental authority in the province. In essence the government of the proprietary province was monarchical. But in time there came to exist in all the proprietary governments, generally by concession of the proprietors, a democratic element. This was represented by the lower, the elected, branch of the legislature. Conflict was almost certain to develop between the monarchic element in the government, represented by the Proprietor or his deputies, and the democratic element in the legislature. This conflict is the central thread in the constitutional development of the proprietary provinces. What has

[1] Osgood, Proprietary Province as a Form of Colonial Government, *Am. Hist. Review*, 1897.

been said of the internal organization of the proprietary provinces, is equally true of the royal type, the King merely taking the place of the individual proprietor. If any distinction is to be drawn between the two types, it would be that, owing largely to the more exalted and powerful position of the King, the prerogative element in the royal provinces was stronger than in the proprietary provinces. In a broad sense the internal organization of the two types was the same; neither was self-consistent, both contained elements which were discordant, and harmony could be restored only by the elimination of the democratic or the prerogative element of the system. As events proved, the latter was destined to give away.

When we come to examine the internal organization of the corporate type, a marked difference appears. As the fief and the palatinate were the models upon which the proprietary grants were made, so the trading corporation was the pattern for the corporate type. This implied the centering of authority in a "General Court" composed of all members of the company, or all freemen of the colony when the company and colony became one. By this Court were chosen all the officials of the colony, and from it radiated all the various functions of government. It became the very heart of the colony's political body. In this type of colony, the immediate source of authority was the colonists themselves, not the King nor the proprietor. From the first, the democratic element was supreme, the monarchic element entirely lacking. There was then, nothing inherent in the internal structure of the corporate colonies, which would lead to such a conflict as has been indicated was inevitable in the royal and proprietary provinces. It was an easy and natural transition from the type of corporate colony, to the dem-

ocratic commonwealth. No material change was needed to fit these colonies into their new places in the American nation. Nothing more clearly shows this than the fact that the only two corporate colonies, Connecticut and Rhode Island, which remained such throughout the colonial period, retained their old corporate charters, as commonwealth constitutions, one for more than forty years, and the other for more than sixty years, after the separation of the colonies from England.[1]

From the standpoint of internal organization, then, the three types of colonial government would be grouped; the royal and proprietary provinces on the one hand, and the corporate colonies on the other.

Of the three American colonies which are included in the corporate type,[2] one, Massachusetts, was founded by a corporation created in England, while two, Connecticut and Rhode Island, were formed by the creation of a corporation in the colony. The three, however, became identical in form, through the removal of the Massachusetts corporation into New England, and its identification with the colony.

During the first twenty-five years of the history of Connecticut, the colonists lived under a de facto government formed by the voluntary compact of the settlers. While they lacked the guarantees of a royal charter, they were also free from its restrictions. The colonists might, if they chose, have struck out along lines radically new. But this was not done. The founders of Connecticut were

[1] Connecticut retained her charter as a state constitution until 1818, Rhode Island until 1842.

[2] Virginia though founded by a trading company did not attain the characteristics of a corporate colony, as the London Company did not remove to Virginia and become merged with the colony. The two colonies of Plymouth and New Haven, while they developed the internal structure of corporate colonies, never received royal charters and in time became absorbed, one by Massachusetts and the other by Connecticut.

Puritans to the core. Most of them had lived in the Massachusetts colony for a greater or less period of time, and were in general sympathy with the principles and ideals of that colony. Nothing was more natural than that they should reproduce in their new homes a government similar in outline, if not in detail, to that of the Bay Colony. That this was done, becomes apparent from an examination of the records. In consequence, Connecticut formed by conscious imitation of Massachusetts, a government embodying all the essentials of a corporate colony. Nothing was lacking but a royal charter to make the de facto government de jure, and when through the ability of John Winthrop, the younger, and the generosity of Charles II, such a charter was obtained, it merely confirmed an already existing condition of affairs.

It is the purpose of this study to trace out in considerable detail, the internal development of Connecticut as a type of the corporate colony. Emphasis will naturally be laid upon constitutional questions; economic and social considerations only being touched upon as they affected, or were affected by the constitutional development of the colony. Secondly an attempt will be made to consider Connecticut as a part of the British Empire; to show how her position was, from the standpoint of imperial control, an anomalous one; how the English administrators tried to bring the colony into closer and more harmonious relations with the home government, involving several attacks upon the charter, and finally, how the colony was enabled to avert these attacks and preserve its institutions intact throughout the colonial period.

CHAPTER I.

Organs of Legislation and Administration.

The constitutional history of Connecticut begins with the removal from Massachusetts in 1636–37 of the three river towns of Hartford, Windsor and Wethersfield.[1] After residing in the bay colony for a number of years, the inhabitants of these towns, for a variety of reasons,[2] sought new homes on the banks of the Connecticut. In granting permission to remove, the General Court of Massachusetts appointed a commission of eight of the prospective settlers, to order the affairs of the new settlements, for a period of one year.[3] No attempt was made by the parent colony, after the towns had left her jurisdiction, to exercise any manner of control over them. There is no evidence that the commission was accountable in any way for its acts to the authorities of Massachusetts. On May 11th, 1637, at the end of the year for which the commissioners were chosen, there met at Hartford the first "Genrall Corte" of the infant colony. This Court was probably summoned by the retiring commission, as this was one of their specified powers. The new body consisted of six Magistrates, four of them members of the old Commission, and nine Deputies elected by the towns, the three from each town being known as its "comitee."[4] The records do not indicate the manner in which the Magistrates were chosen, but

[1] The three towns while in Massachusetts and for a year after their removal were called respectively, Newtown, Dorchester and Watertown.

[2] Osgood, American Colonies in the Seventeenth Century, I, 301.

[3] Mass. Col. Rec., I, 170.

[4] Conn. Col. Rec., I, 9.

from a contemporary authority we learn that they were elected by the Deputies.[1] In this form the General Court continued until the formation of the famous "Fundamental Orders" in 1639.

In this "First Written Constitution" it was provided that there should be a General Court, which should meet in two stated sessions annually, and at such other times as was deemed necessary. The spring session of the General Court, known as the Court of Election, consisted of all the freemen that wished to attend, and at this Court were elected the Governor and Magistrates, and such other officers as were from time to time provided. When the elections had been completed, the Court organized for legislation, and consisted simply of a Governor, at least six Magistrates, and Deputies from the towns.[2] The fall meeting, and such others as were from time to time summoned by the Governor, were similarly organized. The quorum of the Court when organized for legislation, was fixed at at least four Magistrates, with the Governor or a moderator, and a major part of the Deputies.

The composition of the Court of Election as a primary electoral body, was soon changed. The spread of settlements had made a general meeting of the freemen inconvenient, and the practice of sending the votes of the freemen to the Court of Election by the Deputies of the towns was early adopted.[3] With this adoption of proxy voting the distinction between the composition of the Court of Election and the ordinary sessions of the General Court, practically disappeared.[4]

[1] Conn. Hist. Soc. Colls., I, 13.

[2] The constitution fixed the number of Deputies at four from the towns of Hartford, Windsor and Wethersfield and for such other towns as were later admitted "as many as the Corte shall judge meete."

[3] Conn. Col. Rec., I, 346.

[4] Bishop, History of Elections in the American Colonies, *Columbia Univ. Studies*, III, 139.

The constitution specified in detail the manner in which the Governor, Magistrates and Deputies were to be chosen. The ballot was used in all elections. All persons chosen to the Magistracy were required to be freemen of the colony, and to have been formerly nominated in some General Court by the Deputies or the Court as a whole. In the election of Governor and Magistrates, the person receiving the greatest number of votes was chosen Governor; then the name of each person that had been placed in nomination was voted upon separately, and all those that received a greater number of affirmative than negative votes, were chosen Magistrates, provided at least six were so chosen.

The Deputies were chosen before each session of the General Court by the admitted inhabitants of the towns, at town meetings summoned for the purpose by the constables.

The constitution also provided a special manner for organizing the General Court. In case the Governor and Magistrates should fail to summon the two stated sessions, and at such other times as the "occations of the Commonwealth require," the freemen were empowered to do so. Such a Court should consist of a majority of the freemen, or their deputies, presided over by a Moderator chosen by the freemen.[1]

The constitution seems to distinguish two bodies of electors. Only such as were "admitted freemen" could take part in the choice of the Governor and Magistrates at the Court of Election. On the other hand, all "admitted inhabitants" of the towns had a voice in the

[1] This provision, which was never put in practice, was an expression of the democratic sentiments of the founders of Connecticut. It was probably suggested by the controversy which was carried on in the early years of the Massachusetts colony over the unlimited power of the Magistrates. Osgood, American Colonies, I, 157.

choice of deputies.[1] This distinction, however, if it was ever clearly recognized, in time disappeared.[2]

The Magistrates and Deputies sat and voted as one body, and the latter which at first was double the number of the former, and growing larger with the admission of each new town, might if they saw fit, exert a preponderating control over legislation.[3] This condition of affairs continued until 1645, when the Magistrates were given the negative voice, although they continued to sit with the Deputies in one house, until the end of the seventeenth century.[4]

The General Court, as organized by the Fundamental Orders, continued with but slight change until the granting of the Royal Charter. The quorum of the Assistants

[1] Col. Rec., I, 21, 23.

[2] The admission of freemen was one of the functions of the General Court. At first any person of proper age and "peaceable conversation" might be admitted. In 1659 it was provided that only persons twenty-one years of age, having a personal estate of 30 pounds, or those who had held some office in the commonwealth might be admitted. Two years before the same qualifications were required for "admitted inhabitants." In 1675 the property qualification was fixed at ten pounds estate in land, and in 1689 at forty shillings. In the same year the power of admitting freemen was given to the local authorities. Any person possessing a freehold estate to the value of forty shillings, upon presentation of a certificate to that effect from the selectmen of the town where he resided should be enrolled as a freeman without any action on the part of the Court. With this act the distinction between freemen and admitted inhabitants disappears. Col. Rec., I, 293, 331; II, 253; IV, 11; VII, 259.

The proportion of freemen to the total male population of voting age is difficult to ascertain, but it was probably a small proportion. From the formation of the Constitution to the granting of the charter, a period of more than twenty years, there are on record but 229 names of persons admitted as freemen. In 1669 the total number of freemen was one thousand seven hundred and eighty-nine out of a population of three thousand males capable of bearing arms. In 1740 in a warmly contested election there were four thousand votes cast while the male population of military age was about fifteen thousand. Col. Rec., II, 518; N. Y. Col. Doc., III, 262; Douglass Summary, II, 179.

[3] The number of Magistrates gradually increased from six to twelve.

[4] Col. Rec., I, 119.

in general Court was reduced in 1644 from four to three.[1] In 1646 the General Court changed the time of holding the Court of Election, from April to May.[2] In 1654 it was provided that in the absence of the Governor and Deputy Governor, a major part of the Magistrates might summon a meeting of the Court, which should be presided over by a Moderator, chosen by the members of the Court.[3] In 1661 the General Court suggested to the freemen that the number of deputies be reduced one half, but no action was taken upon the proposition.[4]

The Royal Charter, issued in 1662, made some minor changes in the organization of the General Court. The number of Magistrates, which had grown from six to twelve, was fixed at the latter number. On the other hand, the number of deputies was restricted to two from each town.[5] The Charter contemplated the choice of the Governor, Magistrates and other officers, at a general meeting of the freemen. This, as we have seen, had also been provided in the Fundamental Orders; but the convenient method of voting by proxy which had been adopted, was continued despite the provisions of the Charter. The changes in the organization of the General Court subsequent to the granting of the Charter were, with one or two exceptions, of but slight importance.

In 1689 a change was made in the manner of nominating the Governor, Deputy Governor and Assistants, whereby the nominations were made directly by the freemen.[6] This provision lasted but three years, when the

[1] *Ibid.*, I, 119.
[2] *Ibid.*, I, 140.
[3] *Ibid.*, I, 256.
[4] *Ibid.*, I, 372.
[5] Poore's Charters and Constitutions, I, 253 et seq. Col. Rec., II, 1.
[6] Col. Rec., IV, 12.

former method of nomination by the General Court was restored.[1] Five years later the method of direct nomination was again resorted to.[2] In 1698 The General Court obtained the form it was destined to maintain throughout the colonial era. It will be remembered that while the Magistrates had been given the negative voice in 1645, they had continued to sit with the Deputies as a unicameral legislature. In 1698, however, the two houses were separated.[3] The Upper House, now often called the Council,[4] consisted of the Governor, Deputy Governor, and the Assistants. The Lower House consisted of the deputies from the towns, who were empowered to choose a speaker to preside over their deliberations, to appoint all needful officers, and to make all necessary rules for carrying on the business of the house. To each

[1] *Ibid.*, IV, 81.

[2] *Ibid.*, IV, 223. These changes were the result of a controversy between the "aristocratic" and democratic parties in the colony. Samuel Willis in several letters to Fitz John Winthrop throws some light on these controversies. Willis was identified with the colonial aristocracy of the time which felt that the democratic spirit was becoming too strong in the colony. He suggested that a modification of the charter be obtained from the King so that "persons of mean and low degree be not improved in the chiefest place of civill and military affairs . . . but that persons of parintage, education, abilitye, and integrity be settled in such offices." At another time he writes: "Mr. Henry Woolcott and younge Mr. Chester both secluded the Houses of Comons the last sessions in Octbr, and an eminent syder-drinker in the roome of one and a person risen out of obscurity in the place of the other." Mass. Hist. Soc. Colls., 6th Series, III, 17, 31.

[3] The separation of the two houses was another movement on the part of the colonial aristocracy. Willis in writing to Winthrop said,—"There are two things effected since your Honr came to the Governmnt wch I judge will much conduce to the wellfaire of the Colony if they be continued: That the Magistrates and Deputies sitt distinct & that the justices be stated and comissioned and not annually chosen, wch will much strengthen the Governmt, when they are not at the despose of the arbitrary humors of the people, and yet subject to be called to accompt by the General Court or to be displaced for delinquency." Mass. Hist. Col., 6th Series, III, 44.

[4] Not to be confused with the Governor's Council.

house was granted the negative voice,[1] and a parity of powers in legislation.[2]

Throughout the seventeenth century, the meetings of the General Court had been held regularly at Hartford.[3] In 1701 it was provided that the October session of the Court should be held at New Haven, the spring session continuing at Hartford.[4] Ten years later this arrangement was discontinued, only to be reëstablished the following year,[5] and in this form it continued throughout the colonial period.

The powers of the commission which controlled the affairs of the three river towns during the first year after their migration, were stated in the law creating it. It was empowered to administer justice, and to make such orders "for the peaceable and quiett ordering the affaires" of the plantations, in the granting of lots, regulating trade, military discipline and defensive war. It was also empowered to summon the inhabitants together as a Court.[6] From the records it is apparent that the commissioners exercised most of the functions conferred upon them. They regulated trade with the Indians, swore in constables for the towns, provided for the maintenance of military watches and trainings, gave names to the towns, ratified certain church proceedings, and performed the duties of a court of justice and probate.[7]

The Powers of the General Court which displaced the Commission are not set forth in any law or order, but it

[1] Col. Rec., IV, 282.

[2] I can find no warrant in the records for the statement that the Deputies alone could initiate legislation granting money. Jones, History of Taxation in Connecticut, *J. H. U. S.*, XIV, 375.

[3] Except during the first year of the colony's history when the meetings alternated among the three towns. Col. Rec., I, 1, 2, 3.

[4] Col. Rec., IV, 343.

[5] Col. Rec., V, 328, 381.

[6] Mass. Col. Rec., I, 170.

[7] Conn. Col. Rec., I, 1–9.

assumed and exercised a still wider control over the towns, than had the Commission. Its first act was a declaration of war against the Pequot Indians. It fixed the quota of men and supplies to be furnished by each town; it levied a tax upon the towns, and chose a treasurer to collect it. In short this General Court was, in all essential points, a reproduction of its Massachusetts prototype. There is no evidence in the records that the towns bore any different relation to the General Court, than was the case in the Bay colony. The theory, which has been advocated by several writers of Connecticut history, that Connecticut was founded by a federal union of three independent towns, with residuary powers of government in the localities appears to be entirely erroneous.[1]

When in 1639 the people of Connecticut organized their government on a more permanent basis, the powers of the General Court were more definitely specified. It was stated that in the General Court should reside "the supreme power of the Commonwealth" to make and repeal laws, admit freemen, dispose of the public land, inflict punishments for crimes and misdemeanors, and "deale in any other matter that concerns the good of this comonwelth," except the election of Magistrates, which was done by the whole body of freemen.[2] The power thus conferred, or that which the legislature assumed, was much greater than at the present day is thought safe or

[1] Johnston, Connecticut, a Study of a Commonwealth Democracy, 61. For a full and clear examination of this question see Andrews, Three River Towns of Connecticut, *J. H. U. S.*, VII.

[2] The interpretation placed by Dr. Bronson on this clause of the constitution, namely, that the "supreme power of the commonwealth" was not in the ordinary General Court but only in the extraordinary Court summoned by the freemen, does not seem to be justified if the tenth article is read as a whole and in connection with the other articles of the constitution. Bronson, Early Government in Connecticut, *New Haven Hist. Soc. Papers*, III, 316 et seq.

expedient to grant to such bodies. Within its sphere the power of the General Court resembled much more closely that of the British Parliament to-day, than that of our own federal or state legislatures. In a very real sense it was the "supreme power of the commonwealth." The founders of Connecticut did not conceive of a government of three coördinate branches. The legislature was unquestionably the preëminent branch of the governmental machinery. The executive and judicial branches were in a large measure subordinate, rather than coördinate parts of the government. Furthermore, the competence of the General Court was not limited by the so-called constitution. Whenever the General Court felt that the "Fundamentals" should be altered, it was done with no more apparent formality, than was required in passing an ordinary law. No extraordinary majorities were required, nor was it necessary to submit amendments to the people for ratification.[1] There were no individual rights which the General Court was bound to respect. The idea of an absolute sphere of individual immunity from all governmental action, which forms such an essential part of the modern American theory of government[2] was quite foreign to the political science of our Puritan ancestors.

That the legislators used their extensive powers to the

[1] In the light of these easily ascertained facts, it seems strange that so many writers have maintained that the constitution of 1639 was the first example of a "written" constitution in history. In point of fact it lacked the most essential characteristic of a "written" constitution, viz., that it was not the "Supreme law of the land" in the sense that it bound the legislature as well as the people. In force the constitution was no more than so many statutes. Johnson, *op. cit.*, 63; Fiske, Beginnings of New England, 127; Bancroft, Hist. of the U. S., I, 402; Bryce, Studies in History and Jurisprudence, I, 170.

[2] These immunities are contained in the so-called "Bills of Rights" found in all modern American constitutions. No such Bill of Rights was contained in the Connecticut instrument of 1639.

full, a brief examination of the records will reveal. To the rulers of Connecticut no subject was too trivial, and none too great to be considered a proper subject for legislation. From the making of war to the building of bridges, and from the formation of towns to the regulation of wages, all questions which advanced or retarded the sum of human happiness were undertaken with equal facility by the Solons of Connecticut. For the most part inexperienced in matters of government, the work of the legislature was crude, and often not founded on any fixed principles. Few laws were passed until the necessity for them was felt, and then they were applied to the particular case under consideration, with the result that much of the legislation was of the kind called special. A great part of the legislation was initiated by means of petitions. These petitions touched a great variety of subjects, and each one was decided upon its merits. The use of committees as a part of the legislative machinery early became common, but the committee system was never perfected to the extent which appears in the modern legislative regimes.

Those functions of government which are usually termed administrative, in distinction from the purely legislative functions, were largely retained by the General Court, and not given to the executive authorities. In military administration, while a committee or council of war was usually appointed, in times of danger, it was the creature of the General Court, subject to its orders and responsible to it for its actions. The administration of financial affairs was from the first under the control of the General Court. The collection and expenditure of public revenue, the regulation of the monetary system, and all the details of fiscal affairs, were completely controlled by the General Court. In judicial administra-

tion,[1] the legislature again was supreme. Courts were created, and their jurisdiction fixed by the General Court, while the judges and justices, for the most part, were appointed by the Court. In that department of administration which might be termed "foreign affairs" *i. e.*, in questions concerning the relation of the colony to its neighbors, and to the mother country, the legislature maintained control. The Governor, it is true, was the medium through whom communications were sent, and received, to and from the home government or the neighboring colonies, but he was responsible to the Court for his acts, and referred all matters of importance to that body. Finally, in the administration of internal affairs, *i. e.*, in providing for the health, peace and moral well being of the people, the activity of the General Court was detailed to the point of becoming burdensome.[2] The building and repairing of roads and bridges, and provisions for religion and education, were important functions of the legislature, while the interference of the General Court in private business and personal affairs, was of a nature that to-day would be considered intolerable.

The power of appointment, which at the present time is more often associated with the executive than the legislative department, was in a large measure retained by

[1] By this is meant not the ordinary procedure of the courts of justice, but the creation and regulation of such courts. Goodnow, Comparative Administrative Law, I, 1 et seq. The position of the General Court as a part of the judicial machinery of the colony will be treated in the chapter on judicial affairs.

[2] One or two instances might be noted. In 1641 the General Court ordered the constables of the towns to observe the persons in their towns, and apprehend such as wore clothes "beyond their condition and rank" and present the same to the Court for censure. In the same year the Court having learned that the soil of the colony would produce hemp and flax, ordered that every family should plant at least one spoonful of hemp seed. The wages of laborers and mechanics were specified in detail and any person accepting higher wages was open to the censure of the Court. Col. Rec., I, 52, 61, 64, 65.

the General Court. Furthermore, in case of a vacancy in an elective office, from death or other cause, the Assembly assumed the right to fill such vacancy.[1] Upon the separation of the legislature into two houses, a serious and prolonged dispute arose as to whether each house possessed the negative voice in appointments and elections, as was the case in legislation. In 1707, upon the death of Governor Fitz John Winthrop while in office, a special session of the General Court was called to fill the vacancy. On this occasion, the votes of the members of both houses were mixed together before they were counted.[2] In 1716, however, the two houses having failed to agree in the choice of certain officers, the Deputies passed the following resolution.

"Resolved; That since ye Honble ye Upper House do not think fit to agree with us in ye Appointment of several needful officers in this Government, This House desire and insist, That ye Election of ye persons not yet agreed upon may be now performed according to ye privilege of ye Charter and ye Direction of ye law, whereby is given to each member of this Assembly, an equal Vote in ye Election, excepting only ye Govr. and in his Absence to ye Deputy Govr., a double vote when an Equivote shall happen."[3] The Upper House would not agree to this but voted to "consent to have it considered in a Conference of both Houses, concluding that it will be found inconsistent with the Charter."[4]

This appeal to the Charter by both houses is characteristic, but hardly convincing. The Charter did not

[1] A number of vacancies occurred as a result of the change in the manner of choosing officials from plurality to majority vote in 1742. Col. Rec., VIII, 453.

[2] MS. Rec. Civil Officers, I, 84.

[3] *Ibid.*, I, 145.

[4] *Ibid.*, I, 162.

contemplate the separation of the legislature into two houses. This had been done by simple legislative action in direct violation of the terms of the Charter. If the legislature could effect such a fundamental change, it was far-fetched to claim that it was beyond the competence of the legislature to alter a mere formal procedure in elections.

For a number of years, at each session of the General Court, the question recurred, and threatened to seriously interfere with the governmental machinery.[1] Finally, in 1723 a compromise was reached so far as it concerned the choice of judges and justices. Either House could prepare a list of names, which was submitted to the other House. The latter could strike out such names as it saw fit, and add new ones, when the list was returned to the House in which it originated, and the process continued until a sufficient number of names were agreed upon by both Houses.[2] In principle, this was a victory for the Upper House. The same year, however, the whole question arose again upon the choice of a successor to Deputy Governor Gold, who had died in office. The Lower House desired that the two Houses meet in a joint convention, but this was refused by the Upper House. After some discussion the Lower House gave way, and Jos. Talcott was chosen Deputy Governor by the two Houses voting separately.[3] The matter became more serious the following year, when it became necessary for the General Court

[1] Between 1717 and 1723 several compromise propositions were suggested by the Upper House but they were all negatived by the Lower House. MS. Rec. Civil Officers, I, 173, 175, 322, 327.

[2] Col. Rec., VI, 328.

[3] The Upper House chose Peter Burr who was negatived by the Lower House which chose Joseph Talcott who was negatived by the Upper House. The Lower House then chose Jonathan Law but the Upper House dissented. The following day the Upper House chose Joseph Talcott with which the Lower House concurred. MS. Rec. Civil Officers, I, 440, 441, 442.

to choose a successor to Gov. Saltonstall, who had died suddenly of apoplexy. On this occasion the Lower House stood firm in its contention that the election should be held by the two houses in joint session, and the Upper House finally agreed that "for the present occasion and for no other purpose or intent whatever," the two houses should be resolved into one assembly, and the election should proceed as had been done formerly before the separation of the Houses. The joint assembly then chose Joseph Talcott, Governor,[1] The difficulty recurred with almost every election. The Lower House would reiterate its "Charter Right to an election" by a joint assembly, but in most, if not all cases, the Upper House was able to maintain its position.[2] The question was not finally settled during the colonial era.

The powers of the General Court which have been outlined were not altered in any material respect by the Royal Charter.[3] To the colonists, the Charter was a bulwark of defence against the encroachments of the home government or the neighboring colonies, to which they were quick to appeal in times of danger; but it was not considered as a limitation upon the powers of the General Court. In fact the Charter was no more "fundamental" than was the original constitution. Its pro-

[1] Col. Rec., VI, 483.

[2] In 1748 there was a contest over the choice of Deputy Governor, none of the candidates receiving a majority of the votes cast at the Court of Election. After considerable bickering Roger Walcott was elected by the two houses voting separately. MS. Rec. Civil Officers, III, 140–143, 167.

[3] The suggestion made by Dr. Baldwin that the charter contemplated making the General Court merely an electoral and advisory body and vesting the legislative power in the Governor and Assistants, is hardly tenable. While such an interpretation might be drawn from the careless wording of the instrument, no such meaning was placed upon it by the colonial authorities and I have been unable to discover any contemporary expression by Winthrop or the other colony leaders that such was the intention of the authorities in England. Baldwin, Three Constitutions of Connecticut, *New Haven Hist. Soc. Papers*, V, 186.

visions were changed or modified by the General Court with the same freedom as had been done with the "Fundamental Orders."[1]

The eighteenth century brought no material change in the powers of the General Court. In fact the powers of the legislature in the corporate colonies do not represent a gradual development, as was the case in the provinces. In the former the powers of the legislative body were ample from the beginning, and the only problem which confronted the colonists was how to maintain these powers intact from the encroachment of the home government. In this Massachusetts failed, while Connecticut and Rhode Island, by more judicious use of their powers, were enabled to maintain their liberal form of government throughout the colonial period.

During the first three years of the colony's history no distinct executive authority appeared. All the functions of government, executive and judicial as well as legislative, were centred in the Massachusetts Commission and in the Court which displaced the Commission. In the Fundamental Orders the first attempt was made to differentiate the functions of government. Here it was provided that there should be a Governor chosen each year by the freemen of the colony.[2] Like the other magis-

[1] Two important changes in the charter effected by the General Court have already been noted, namely, the separation of the legislature into two houses and the adoption of proxy voting. Professor Bryce says that the colonists became accustomed to the idea of an instrument superior to the legislature and the laws which it passed, because they possessed a charter which could not be changed by the legislature. While in theory the legislature was bound by the provisions of the charter, in point of fact, the General Court, as has been seen, made fundamental changes in its provisions, and it must be admitted that there is no evidence that the colonists, at least in Connecticut, became acquainted with the essentials of a "rigid" or "written" constitution from their experience with a royal charter. Bryce, *op. cit.*, I, 170.

[2] No mention is made of a Deputy Governor, but the Magistrate receiving the greatest number of votes next to the Governor bore the title and exercised the functions of a Deputy Governor.

trates, the Governor was nominated in some Court before the Court of Election. He must, moreover, be a member of some "approved congregation," and have been formerly a magistrate. No person could be chosen Governor more than once in two years.[1] The Charter made no change in the organization of the executive, except that it specially provided for a Deputy Governor, as well as a Governor.

Upon the Governor fell the duty of summoning the two regular sessions of the General Court, and also, with the advice of a major part of the magistrates, at such other times as was deemed necessary. While the Governor could summon the General Court, he could not prevent its meeting, neither could he adjourn or dissolve it, without its consent. The Governor, or Deputy Governor, presided over the sessions of the General Court. He could give "liberty of speech," put all questions to vote, and in case of a tie have the casting vote. He did not have the power to veto any act of the General Court. The Charter, in theory, slightly increased the power of the Governor in legislation. He only, or in his absence the Deputy Governor, could summon any General Court, and no Court could be held without his presence or that of the Deputy Governor. He was not given a casting vote in case of a tie, but this power seems soon to have been reëstablished.[2] The Charter failed to state, as did the constitution, that no General Court could be adjourned or dissolved without its own consent.[3] There is no evidence,

[1] This provision was another expression of the democratic sentiments of the founders of Connecticut. In practice the restriction was of little value. While in force there was a tolerably regular succession in the offices of Governor and Deputy Governor, the incumbents merely changing places each year. In 1660 the restriction was entirely removed by striking out this clause of the constitution. Col. Rec., I, 346, 347.

[2] Code of 1672.

[3] This provision reappeared in the Code of 1672.

however, that the Governors subsequent to the granting of the Charter, exercised any greater control over legislation than had those under the constitution. At no time during the colonial period could the Governor be considered a coördinate branch of the legislature. He was simply the presiding officer of the Court, and, after the separation of the legislature into two houses, of the Upper House.

While it does not appear that the Governor communicated advice to the General Court in the shape of a message at each session, this method was not infrequently employed. Such communications were not materially different from similar documents at the present day. Information was given as to the general state of the colony, communications from the home government and the neighboring colonies were referred to the consideration of the Court, and advice was given regarding necessary legislation.[1] At times the message was referred to a committee of the Court which reported upon the recommendations.[2]

It has been noted that the General Court retained most of the administrative functions of government in its own hands. Here, as in legislation, the Governor did little more than register the will of the legislature.[3]

A mere enumeration of the powers of the Executive, however, would give a wrong impression of the actual influence exerted by the Governor, as a part of the gov-

[1] See messages of Gov. Fitz John Winthrop, Mass. Hist. Colls., 6th Ser., III, 157, 184, 290, and of Gov. Talcott, Conn. Hist. Soc. Colls., IV, 289. See also MS. Rec. Civil Officers, I, 97, 163, 286, etc.

[2] MS. Rec. Civil Officers, I, 171.

[3] In 1721 Gov. Saltonstall claimed that according to the charter the Governor should nominate all officers appointed by the General Court, but he agreed to submit to the opinion of the two houses. The court decided that it could not accept the views of the Governor. MS. Rec. Civil Officers, I, 286, 288, 290.

ernmental machinery. While his powers in the abstract were slight, his influence was unquestionably, in most instances, extensive. This influence depended in a large measure upon the personality of the Executive and upon his ability to maintain friendly relations with the legislature and direct the legislation which he could not control. In most cases the persons chosen to the office of chief magistrate, fulfilled these requirements admirably. While the term of office was nominally one year it came to be practically a permanent tenure.[1] Rarely was a person once chosen Governor retired, except by death or some other infirmity. Chosen generally from among the leading families,[2] respected by the freemen who elected him, there is abundant evidence in the records that the chief magistrate wielded considerable influence in shaping the affairs of the commonwealth.

From the foundation of the colony the Governor or Deputy Governor, with the assistants, had met together as a "Particular Court," but the functions of this body were mainly judicial.[3] It was not until the granting of the Charter that the assistants appear distinctly as an advisory administrative body to the Governor. The Charter provided that the Governor or Deputy Governor, and the assistants, should "apply themselves to take care for the best disposing and ordering of the general business and affairs" of the colony. A few months after

[1] After 1660 when the restriction preventing a person from being chosen Governor more than once in two years was removed, there are but three instances in which a person having been chosen Governor was not reëlected yearly for life.

[2] A contemporary authority says,—"In all their elections of Governor, councellors, representatives, judges and other public officers, by custom they generally choose the most worthy." Douglass, Summary, II, 158.

[3] Col. Rec., I, 71, 81, 119, etc. The Fundamental Orders stated that the Governor and Magistrates should "administer justice according to the laws here established, and for want thereof according to the rule of the word of the Word of God."

the receipt of the Charter, the General Court constituted the assistants a standing council "to act in emergt occasions that concerne ye welfare of this colony."[1] From the fragmentary records, it appears that the Council began to act in matters of importance. By its order, a committee was dispatched to the town of West Chester to settle certain disputed questions. Orders were sent to towns on the eastern end of long Island, warning them to submit to the authority of Connecticut, and a rate was ordered to be levied on these towns. The town of Wickford was named by order of the Council.[2] The activity of the Council was, however, cut short by the repeal, two years later, of the act under which it was constituted.[3]

The Council reappeared in 1675.[4] To the Governor and assistants were added two military officers and two civilians. The powers of the body were more definitely stated. They were to have "as full power as the Charter will allow," to act in "all matters and things emergent" provided their acts were not inconsistent with the Charter.[5] The order constituting the Council was to remain in force only until the next meeting of the Court, at which time the Council was again constituted with certain changes in the names of individuals added, and without any limitation as to time.[6] In 1678 all names of private citizens were stricken from the commission, and at each session of the General Court from then until the coming of Andros in 1687, the Governor and assistants were constituted a council.[7] The General Court was careful to

[1] Col. Rec., I, 397. The assistants appear to have been acting as a Council before this act was passed. *Ibid.*, I, 398; II, 331.

[2] Col. Rec., I, 406, 407, 424.

[3] *Ibid.*, I, 440.

[4] In 1673 there was created a Council of War which is not to be confused with the Governor's Council.

[5] Col. Rec., II, 261.

[6] *Ibid.*, II, 270.

[7] The quorum of the Assistants was fixed at three. Col. Rec., III, 15.

restrict the powers of this body. In 1691 it was provided that they could raise no money, nor make any alteration in the Charter, and to these restrictions was later added the provision that they should send no men out of the colony, except in cases of emergency.[1] This evident jealousy of a standing council, shown by the General Court reconstituting it at each session and specifying its powers was, possibly, a reflection of the controversy over a similar question in the early days of the Massachusetts colony.[2]

Upon the resumption of government under the Charter after the overthrow of Andros, the Council reappeared. For a number of years, at each session of the Court, special acts constituting such a body were passed. At times certain deputies or freemen were added to the assistants, and on one occasion the Governor was empowered to choose his own Council.[3] The last time that the Council was specifically "stated" was in 1719, though it appears that the assistants continued to meet at intervals, as a Council, throughout the eighteenth century.

At first the meetings of the Council were frequent, often once a week, and its activity included the receiving and naming of new towns, conferring land patents, granting licenses to sell liquor, appointing fast days and days of Thanksgiving, receiving and answering letters and orders from the authorities in England, the colonial agents and the officials of the neighboring colonies, issuing military orders, and ordering the payment of public debts.[4] On at least one occasion the Council chose an official of the colony to fill a vacancy caused by death.[5]

[1] Col. Rec., IV, 62, 489; V, 32, 53.
[2] Osgood, American Colonies, I, 178.
[3] Col. Rec., IV, 14, 399, 489; V, 22.
[4] Col. Rec., I, 407, 411; XV, 531 et seq.
[5] *Ibid.*, XV, 558.

The Court from time to time ordered the Council to perform certain specified acts. Thus they were required to appoint an agent of the colony in England, to attend to "laying in a stock of pork," and to look after the "Gospelizing" of the Indians[1] At first, it was customary for the General Court to pass upon the acts of the Council,[2] and, in one instance at least, its action was disapproved.[3] During the greater part of the eighteenth century, because of the dearth of records,[4] we are left wholly in the dark as to the activity of the Council. The fact, however, that in the records of the General Court no reference is made to the body for such a long period, would incline one to believe that it had ceased to be an important adjunct of the governmental machinery.[5]

[1] Col. Rec., V, 325, 337; V, 15.

[2] Col. Rec., IV, 202, 205, 222, etc.

[3] *Ibid.*, IV, 284.

[4] There is no Council Journal extant between the years 1728 and 1770.

[5] The extant Council records after 1770 are of little interest and concern largely the ordering of the payment of public accounts. Col. Rec., XIII, 355, 412, 504.

CHAPTER II.

Finance and Currency.

It is proposed under this heading to treat financial history in its broadest sense. Besides an account of the monetary system, an attempt will be made to outline the principal sources of colonial revenue and expense, with some account of the control of the public revenue. From a constitutional standpoint, the consideration of these questions is not as important in the corporate colonies, as in the royal or proprietary provinces. In the latter, the question of the control of the purse, was the most fruitful source of conflict between the democratic and prerogative elements. All other issues were in a measure subordinated to the money question. In the nature of things such a conflict was not possible in the corporate colonies. In these colonies the financial question is of interest rather from the economic or social, than from the constitutional standpoint. Its consideration shows how a community left largely to its own resources, having little knowledge of the science of government and less of the science of finance, tried to adjust revenue to expenditure, and expenditure to revenue; how it attempted in an honest but crude way to advance its material prosperity by experimenting with a protective tariff, how it became infatuated with the paper money craze, and tried to extricate itself from the inevitable disaster.

Land was the first and throughout the most important basis of taxation. Probably it was due to the fact that land had little or no selling value during the early years of the colony's history that it was assessed not according

to its selling value, but according to some rough estimate of its probable revenue.[1] No attempt was made at first to classify land according to its location or quality. With the increase in population and the opening up of less desirable land, the inequality of the old method became more and more apparent. It was not however until 1676[2] that a committee appointed for the purpose submitted a report which was adopted by the General Court, by which land was rated according to its use, quality, locality and position.[3] The schedule thus established was somewhat modified in 1712, by which a new classification was made according to locality, and more minute differentiation in the quality of the land.[4] To the tax upon land was early added a general property tax.[5] This tax first fell upon property that was incident to land, such as houses and cattle, the latter being rated according to age.[6] Gradually the scope of the tax was widened to include all "visible" estate; mills, ships, cranes, wharves and "merchantable goods" were levied upon according to their estimated values.[7]

[1] This method of rating land according to estimated revenue continued through the colonial era. Jones, Hist. of Taxation in Connecticut, *J. H. U. S.*, XIV, 354. A contemporary authority says that in assessing rates land was valued at seven years income. Douglas, Summary, II, 177.

[2] In New Haven as early as 1640 land had been rated according to its location. N. H. Col. Rec., I, 43.

[3] Meadow lands were rated at from 55s. to 20s. per acre, the best being in Wethersfield; home lots from 40s. to 15s. per acre, Hartford and Wethersfield being the highest; improved uplands used for tillage 25s. to 8s. per acre, the uplands of Hartford south side being the best; mowing and pasture land at from 20s. to 10s. per acre; all other "impropriated" land at 1s. per acre. Col. Rec., II, 294.

[4] Col. Rec., V, 334.

[5] In 1640 Mr. Allen was required to pay a tax on his land and "all stocke as is resident or usually imployed in and thereupon." Col. Rec., I, 53.

[6] Col. Rec., I, 549.

[7] *Ibid.*, I, 548. Property exempted from such taxation included: (1) Cattle under one year of age, (2) hay and corn in the "husbandman's

The Poll tax early became a feature of colonial taxation.[1] In the code of 1650 all male persons above 16 years of age, were taxed 2s. 6d. "by the head." The following year the tax was reduced to 18d.[2] Under Andros in was raised to 1s. 8d., but later reduced to 18d.[3] In 1737 the manner of expressing the tax was changed. Each person was placed in the list at 18 pounds for his poll. A tax of 1d. in the pound, returning the same amount as before.[4] Exemptions of particular individuals or classes were made from time to time by the General Court.[5]

The Connecticut lawmakers, and a large portion of these doubtless were land owners, with a desire to lessen the burden of taxation on land and property, early turned their attention to such persons "who by the advantage of their Artes and Trades" were able to bear some part of the colony expenses. In the code of 1650 a faculty or income tax first appears.[6] Here it was provided that "Butchers, Bakers, Bruers, Victuailers, Smiths, Carpenters, Taylors, Shoemakers, Joiners, Bar-

hand," (3) vessels owned in the colony employed in whale or cod fishing four months of the year, (4) all estates used for ecclesiastical, educational or charitable purposes, (5) all houses and barns except warehouses, (6) each trooping horse. Col. Rec., I, 433, 549; VIII, 133; XIII, 365 Jones, *op. cit.*, 22.

[1] The poll tax first appeared in Massachusetts in 1646. Mass. Col. Rec., II, 173.

[2] Col. Rec., I, 229.

[3] *Ibid.*, III, 406.

[4] *Ibid.*, VIII, 133.

[5] These included Magistrates, ministers, elders, the rector of Yale College, and such persons as were disabled by "sickness, lameness or other infirmity." To these were added from time to time particular persons who had suffered some misfortune, as loss by fire. Col. Rec., I, 548; III, 215; VIII, 133.

[6] In 1649 New Haven adopted an income tax. Both the Connecticut and New Haven laws were almost verbatim reproductions of an earlier Massachusetts law. N. H. Col. Rec., I, 494; Conn. Col. Rec., I, 549; Mass. Col. Rec., II, 173.

bers, Millers and Masons, with all other manuall persons and Artists'' should be rated ''for their returns and gains'' in proportion, as other persons paid for the produce of their estates. In time the scope of the tax was increased. In 1725 all ''allowed'' attorneys were rated according to their ''faculties,'' the least practitioners at 50 pounds and others proportionately.[1] In 1757 it was ordered that all persons ''who let out money at interest'' should be rated according to their gains.[2] Listers had used largely their own discretion in fixing the amount of faculty or income tax. Such a system, even though honestly administered, was bound to give rise to dissatisfaction. To remedy these evils, the General Court in 1771, specified in detail the rates of income taxes.[3] In this form the faculty tax continued to the end of the century practically unchanged. The faculty tax, the operation of which has been outlined, was at best, a crude attempt to shift a part of the burden of taxation from the property holding class. It became in many instances an inequitable and burdensome tax. It was not an income tax in the modern sense of the term. No attempt was made to ascertain the actual profits or earnings of particular individuals, but the levy was made on certain assumed earnings.[4]

Exemptions from, and abatement of taxes were a common feature. Besides personal exemptions, some of which have been noted, it was customary to free whole towns from colony rates for a greater or less period of time. Specific reasons were always given for such exemptions.

[1] Col. Rec., V, 525; VIII, 133.

[2] *Ibid.*, XI, 14.

[3] Traders and shop keepers were to be rated at 10 per cent. of the cost of all goods sold at retail, except produce and manufactures of the colony. Wholesale traders, artificers and tavern keepers were rated according to their annual profits. Col. Rec., XIII, 513.

[4] Seligman, Colonial and State Income Taxes, *Pol. Science Quarterly*, June, 1895.

Such were for the "encouragement" of a new plantation, to help build a meeting house, or school houses, for the building of a mill, or because a town had suffered from fire, Indian ravages or other calamities. Poor persons might be allowed an abatement of their taxes upon the recommendation of the select men of the town, in which case the amount abated was paid by the town.[1]

Excise and custom duties formed a less important part of the colony revenue. The system of indirect taxation, if the scattered laws dealing with the subject may be called a system, developed late in the colonial period. In general, the purpose of the indirect taxes was to relieve the burden of direct taxation.

As early as 1638 a tax had been laid upon the beaver trade, and in 1646, an excise on wine.[2] During the Andros regime, the laws relating to excise were more detailed, but not different in character, and throughout the 18th century, the principle of the excise continued without material change.[3] The first customs duty was that levied upon wines in 1654.[4] In 1662 a duty was laid upon tobacco. The same year all laws imposing duties were repealed, and free trade was established throughout the colony. This experiment, however, lasted only until the next session of the Court, when the old duties were reestablished.[5] During the Andros regime, the only change affected was in increasing and specifying the duties on

[1] Col. Rec., I, 185, 348; II, 113; III, 2, 240. *Ibid.*, XIII, 94.

[2] Col. Rec., I, 20, 31, 146.

[3] *Ibid.*, III, 409; X, 408, 451; XII, 296.

[4] *Ibid.*, I, 255. In point of fact the first customs duty was an export duty on goods passing down the Connecticut River. This was, however, merely a temporary duty levied for the special purpose of defraying the expenses of the purchase of Saybrook from Mr. Fenwick. The attempt to collect this duty involved the colony in a serious dispute with Massachusetts. Col. Rec., I, 119, 120, 170; II, 59. Trumbull, *op. cit.*, I, 184, 194, 508; Palfrey, Hist. of New England, II, 240, 242.

[5] Col. Rec., I, 380, 391, 395.

liquors.[1] In 1696 the Court ordered that all foreigners bringing goods into the colony to sell, should pay a duty of 2 per cent. of the value of the goods, which was changed two years later to 12½s. on 100 pounds' worth of goods.[2] At the same time foreigners were interpreted to mean all those who were not inhabitants of the colony. This law might be considered as an embryo form of the protective tariff. It was probably, however an attempt to place non-residents on an equal footing with the inhabitants who were required to pay the faculty or income tax on merchandise sold in the colony.[3] In 1714 a heavy export duty was laid on barrel, pipe, and hogshead staves, exported to any of the New England colonies, New York or New Jersey. The stated objects of this act were twofold: (1) To preserve the timber of the colony, and (2) to encourage direct exportation from the colony to the West Indies.[4] In 1735 a duty of 16d. per gallon was laid on rum imported in vessels not owned in the colony, and 8d. by those owned in the colony, but this act was repealed the same year.[5] In 1747 the Court imposed a duty of 5 per cent. on goods imported from the neighboring colonies, and if by non-resident importers 7½ per cent., while to encourage direct importation from England and Ireland, a bounty of 5 per cent. was granted, but the following year the act was repealed.[6] In 1757 the General Court

[1] *Ibid.*, IV, 249.

[2] *Ibid.*, IV, 167, 251.

[3] In 1713 an act passed the upper house of the legislature placing a duty of 5 per cent. on all goods brought into the colony by non-residents. This was negatived in the lower house. Journal of the upper and lower houses, October, 1713.

[4] Col. Rec., V, 434. The following year similar duties were laid on planks, ship timber and boards. In 1747 the duties on these articles were increased. *Ibid.*, V, 499; IX, 286.

[5] *Ibid.*, VII, 565; VIII, 7.

[6] *Ibid.*, IX, 285, 393. There were excepted from this tax slit-iron, nails, salt, steel, beaver, leather, deer-skin, dry and pickled fish, train oil, whale bone, rice, tar, turpentine, window-glass and lumber.

once more imposed a duty of 5 per cent. on merchandise brought into the colony either from the neighboring colonies or abroad. Whether this act was repealed or not, does not appear, but in 1768 another act similar in all respects, save in the number of articles excepted from the law, was passed. This law, however, lasted but two years, the colony agent having written to Gov. Trumbull, that it had given great offense to England.[1] Amidst all this indecision and more or less haphazard legislation relating to revenue, one or two things seem to be tolerably clear. The colony officials in an honest effort to stimulate the commerce and trade of the colony, sought in a crude manner to exclude the products of the neighboring colonies, and to an extent, those of the mother country, but none of the laws enacted for the purpose remained in force for a sufficient length of time to prove the truth or fallacy of the principle involved. The evident caution shown by the authorities in dealing with the subject was probably due not to any fear of "monkeying with the tariff buzz-saw," but to them, the more conscious fear of interference by the authorities in England.

Another form of indirect taxation which appeared during the colonial period, was tonnage duties. During the Andros regime, a tonnage duty of 12d., or a pound of powder, per ton was levied on all vessels not owned in New England.[2] This act, somewhat modified, remained in force after the resumption of government under the Charter. In 1744 a tonnage duty was levied to supply powder for the fort at New London, in 1757 a similar duty to support a colony war vessel, and in 1760 for erecting and maintaining a lighthouse at New London.[3]

[1] Col. Rec., IX, 285; XI, 10; XIII, 72, 299; Mass. Hist. Soc. Colls., 5th Series, IX, 387.

[2] Col. Rec., III, 410.

[3] *Ibid.*, IX, 75; XI, 10, 469.

Finally, of the minor sources of revenue, a word might be said. Fines, which especially during the early years of the colony's history, were imposed for a variety of offenses. There were fines for absence from trainings, default of arms and ammunition, immoderate drinking, selling arms and ammunition to the natives, for bachelors who kept house without consent of the authorities, for profanity and contempt of authority.[1] An almost negligible revenue was obtained during the early years from tribute exacted from the Indians, for damage done by them.[2] During the eighteenth century, the sale of public lands added some income to the colony treasury.[3]

At the head of the administrative machinery for gathering colonial revenue was the treasurer. By him the writs were issued to the collectors in the different towns.[4] The constable early became the chief collecting officer in the towns.[5] Prior to 1650 when a tax was to be levied the General Court fixed upon the sum necessary to be raised and this was proportioned among the towns[6] by a committee composed of an equal number of persons from each town. This simple system was soon found to have its disadvantages. Granting that an honest effort was made to apportion the tax equitably, only a crude estimate of the relative ability of each town could be made. With the increase of population, and the formation of new towns, such a system was bound to become inequitable, if not positively unjust. To remedy these evils a system already in practice in Massachusetts was adopted. This was the principle of the Grand List. In each town were chosen three or four men as listers. These listers were

[1] Col. Rec., I, 29, 49, 50, etc.; II, 119, 257, etc.
[2] *Ibid.*, I, 52, 303, 316.
[3] *Ibid.*, VIII, 135.
[4] *Ibid.*, I, 12.
[5] *Ibid.*, I, 550.
[6] *Ibid.*, I, 25.

required to prepare a list of all males over 16 years of age, with a true estimation of their estates, both real and personal. At a specified time, one of the listers (later a deputy of the General Court) from each town, met at Hartford for the purpose of correcting and equalizing the lists, which were then returned to the towns for assessment.[1] Upon the list prepared in the manner indicated, was levied the country rate. This assumed the form of a certain percentage of the list. For a number of years the usual per cent. was 1d. on the pound. With the slow growth of the Grand List, the amount returned from such a tax was a tolerably fixed quantity. In time this amount became known as "a rate" or "a whole rate," and when a greater or less amount was required for public expense, a multiple or a fraction of the "rate" was levied.[2]

Great care was taken by the colonial authorities to have all persons bear their just share of the public expense. Any persons who failed to hand in a correct list of his estate was rated "will and doom," that is, at the discretion of the listers.[3] Later (1703) was introduced the custom of assessing all estate omitted from the list at four times its value. From this came the "fourfold" assessments which are met with frequently in the records.[4] Failure to pay rates within a specified time made the property of the individual liable to be levied upon by process of distress, beginning with the seizure of merchandise or cattle, then lands and houses, and finally the person of the individual.[5] Then there appeared

[1] Col. Rec., I, 548.

[2] Thus in 1652 a half a rate was ordered, and in 1653 a rate and a half. Col. Rec., I, 236, 249. Later, however, the custom of reduplicating the rate was dropped, and the per cent. was raised or lowered as occasion required. Col. Rec., I, 285, 307, 324, etc.

[3] *Ibid.*, IV, 6.

[4] Col. Rec., IV., 439.

[5] *Ibid.*, I, 550; Jones, *op. cit.*, 388.

the Inspector of Lists. The functions of this officer were to verify and correct the work of the listers.[1] Constables were required to return the colony rate to the Treasurer by the last day of June each year.[2] In order that the constables might reach non-resident land holders, they were given (1719) the same jurisdiction throughout the colony as they exercised in their own towns[3]. The constables were held to strict accountability for collection of all rates, and in case of deficiency, their property was liable to be levied upon by the Treasurer, who in turn was responsible to the General Court.[4]

The excise and customs duties were collected by special officials. In 1659 the Court appointed "Custom Masters" in nine towns.[5] In 1698 the Governor was authorized to appoint one collector of excise in each county. The power of appointment was later transferred to the County Courts, and then to the towns.[6] In 1747 the Court authorized the Governor to appoint a collector of customs in each county, and later this power was transferred to the towns, and the number increased to one from each town.[7] In 1776 the Governor was made head naval officer, with power to appoint under collectors in certain specified towns.[8]

Provisions for defence, formed perhaps the largest single item of expense. Under this heading were included, salaries and pensions of soldiers, military sup-

[1] *Ibid.*, V, 81, 440, 503. Special inspectors were at first chosen, then the work was assigned to the deputies of the General Court, and finally the office was merged with that of lister. Jones, *op. cit.*, 370.

[2] Col. Rec., I, 113, 551.

[3] *Ibid.*, VI, 154.

[4] *Ibid.*, I, 551.

[5] *Ibid.*, I, 332. In 1665 the treasurer with the deputies from Hartford were authorized to farm out the customs. *Ibid.*, II, 15.

[6] *Ibid.*, IV, 262; V. 56; VII, 562.

[7] *Ibid.*, IX, 283; XI, 11.

[8] Col. Rec., XV, 280.

plies, appropriations for the building and repair of forts and fortifications, and the maintenance of armed vessels for coast defence. It had been customary from the first to grant specified salaries to soldiers and officers when in active service, and such continued to be the practice during the whole colonial era. The General Court would usually fix the rate of pay at the beginning of each expedition or campaign.[1] Besides the regular salaries, not infrequently extra compensation in the shape of gratuities and bounties was granted to the soldiers.[2] There is no record of any general pension act having been passed during the colonial period, but a considerable number of special pension acts were passed for the relief of individual soldiers or their families.[3] During the earlier years of the colony's history, the supply of arms and ammunition was largely a charge upon the localities. Enactments requiring the possession of arms and ammunitions by all male persons able to bear arms, were of frequent occurrence.[4] When, however, the intercolonial wars of the eighteenth century greatly extended the scope and expense of military operations, the cost of equipping and supplying the militia became a more and more important item of colonial expense.[5]

The forts and fortifications in the coast and frontier towns, were maintained partly by local taxation, and partly by colonial grants.[6] The building and equipping

[1] Col. Rec., I, 11, 15; V, 80, 83, 93, etc.; IX, 93, 110, etc.; X, 317, 345, etc.

[2] *Ibid.*, X, 450, 495, 599; XI, 94.

[3] *Ibid.*, XI, 37, 86, 110, etc. MS. Rec. War, III, 134 et seq.

[4] Col. Rec., I, 3, 15; IV, 18.

[5] There was a constant complaint of a lack of arms and ammunition, and appeals were made to the home government for aid. MS. Rec. War, VI, 26, 76.

[6] The principal forts were at Saybrook and New London. These forts were maintained partly by the tonnage duty and partly by special grants of the Court. Col. Rec., 19, 129, 400.

of armed vessels for coast defence, was an expense of minor importance.[1] Down until the opening of Philip's War, the expenses for defence were comparatively light,[2] but this war, followed by the long series of intercolonial wars which opened with the last decade of the seventeenth century, entailed upon the colony a large and continuous expense for military affairs. Connecticut was favored by her geographical position, not being so immediately exposed to the attacks of the French and Indians, as were her neighboring colonies on the north and west, but she was always generous in supplying men and money for purposes of mutual defence.[3] The absence of records makes any estimate of military expenses for the four intercolonial wars, hardly more than a guess,[4] but there is no doubt they were a heavy burden, and offered an excuse, if not a justification, for Connecticut's disastrous experiments with paper currency.

Next to the expenditure for military purposes, probably the most important item of expense was in providing for the salaries and expenses of the colonial officials. Salaries at first were irregularly paid, and generally small in amount.[5] The Governor's salary which in 1700

[1] See chapter on military affairs.

[2] The highest rate up to that time was 2½d. in the pound, but as a result of that war the taxes rapidly increased. In 1675 they had risen to 12d. in the pound and in 1678 to 18d. in the pound. Col. Rec., II, 269, 292, 401.

[3] During part of the first intercolonial war from 1688 to 1696 Connecticut expended 7759 pounds 14s. 9d. in assisting the neighboring colonies. Col. Rec., IV, 191 note; MS. Rec. Foreign Correspondence, II, 60; War, III, 10a, 10b. During three years of the second intercolonial war Connecticut expended about 18,000 pounds in the defence of the Massachusetts towns. MS. Rec. War, II, 67a, 67b.

[4] Trumbull estimates the expenses of Connecticut in the first intercolonial war at more than 12,000 pounds, and in the last intercolonial war, after deducting parliamentary grants, at 400,000 pounds. Trumbull, *op. cit.*, I, 397; II, 455.

[5] In 1641 a salary was first paid to the Governor. It consisted of 160 bu. of corn. Col. Rec., I, 69. At the opening of the eighteenth century

was 140 pounds, had risen to 250 pounds in 1728; 300 pounds in 1730 and 350 pounds in 1736. Much of this apparent increase, however, was more than offset by the rapid depreciation of the bills of credit, in which salaries were paid.[1] It does not appear from the records that there was any considerable extension of the salary system during the eighteenth century. The salaries, particularly of the executive officers, were granted for no longer period than one year, and later semi-annually.[2]

This evident fear of stated salaries was probably analogous to that which appeared in the neighboring colonies of Massachusetts and New York, though with no good reason for such fear. Throughout the colonial history of Connecticut fees formed a more important part of the income of officials, than did salaries. The Secretary and the Magistrates, were especially dependent upon fees.[3] Besides the salaries and fees, extra compensation in the form of gratuities or pensions, was not infrequently

the salaries of the various officials were, annually: Governor 140 pounds, Deputy Governor 50 pounds, Secretary 10 pounds, Sheriff 10 pounds, Speaker of the House 30s. for each session, Clerk of the General Court 50s., Treasurer 10 pounds and 16 pounds for "riding the circuit." Col. Rec., IV, 330.

[1] Gov. Saltonstall had a long dispute with the General Court concerning his salary. He claimed that the salary of 200 pounds was granted "in or as money," and that he should not suffer because of the depreciation in the bills of credit. The Court, however, did not see fit to agree with him. Col. Rec., 443 note. In 1733 Gov. Talcott complained to the General Court of his inability to support himself on the salary granted to him because of the depreciation in the currency; and the Court granted him an extra 100 pounds. Conn. Hist. Soc. Colls., IV, 289. MS. Rec. Civil Officers, II, 216.

[2] After 1740 it was customary to grant salaries semi-annually at the two stated meetings of the General Court.

[3] The secretary, for example, received 2s. 6d. for each copy of public orders sent to the towns; 1s. for each entry of public laws and orders; 2s. for affixing the public seal to documents, or 1s. if to public orders; 1s. for writing each military commission, 1s. 6d. for each justice's commission; and 3s. for each petition to the General Court. Col. Rec., IV, 313. For a detailed list of the fees of the various officials see Col. Rec., IX, 287 et seq.

granted to colony officials and other persons for some special work performed for the colony.[1] Pensions took the form of exemption from taxation for a given period, or for life, or freedom from rates combined with a grant of money.[2] The increased activity during the eighteenth century of the authorities in England in relation to colonial affairs, and the frequent attacks which were made upon the charter of Connecticut, necessitated the almost continuous employment of a colonial agent in England, and the payment of his salary and expenses was an item of some importance in the colony's expenses. The money appropriated for these purposes, was given with no very good grace, and the General Court jealously watched the use to which it was put.[3]

Although the provisions for education were a charge upon the towns, there are numerous instances of grants made by the General Court, for the support of schools. This was especially the case in providing for the support of Yale College.[4]

A minor expense was incurred by the colony in working out the details of its policy towards the natives. Before the close of the seventeenth century, the Indians within the borders of Connecticut had ceased to be a menace to the white settlers. On the other hand, the natives needed

[1] Col. Rec., IX, 260; XI, 55, 172, etc., MS. Rec. Finance and Currency, I, 48. Such items as the following are not uncommon. The Court allowed Dr. Carrington 9s. "for medicine given to a sick man at New Haven" and to Serjt. John Ball 15s. "for dieting of him for three weeks." Col. Rec., IV, 401.

[2] Col. Rec., IV, 409, 530, etc.; V, 177, 349, etc.

[3] Col. Rec., V, 413, 414, 523, etc. MS. Rec. Finance and Currency, III, 38, 50, 270, etc.; II, 168.

[4] Col. Rec., II, 176, 312; IV, 97; V, 353, 529, etc. In 1733 the Court appropriated the money received from the sale of the seven townships in the western lands for the support of schools, and in 1766 the money received from the excise on wines and liquors was similarly given. Col. Rec., VII, 459; XII, 463.

to be protected from unscrupulous whites. The General Court appointed overseers for the different tribes, to look after their interests, and appropriated money for educating the natives and instructing them in the principles of the Christian religion.[1]

In defraying these various expenses, the General Court passed special appropriations for each item as it was presented. It does not appear that any attempt was made to classify expenses, and pass general appropriation bills.

It had been the practice from the first, for the General Court to keep a close supervision over the collection and expenditure of the public revenue. This was done generally by a committee appointed by the General Court, to audit the accounts of the treasurer.[2] During the fourth intercolonial war, a special auditing committee known as the Committee of the Pay Table, was appointed to adjust the accounts of the treasurer for all expenses of a military character.[3]

During the earlier years of the colony's history, the settlers were practically unsupplied with metallic currency. To supply this deficiency and remove the inconveniences of barter, resort was early made to wampum and merchandise as a medium of exchange. Wampum or "peage" consisted of small spiral shells, about an eighth of an inch in diameter, and arranged on strings and fibres. The shells were either black or white, the value of the former being generally twice that of the latter.[4]

[1] Col. Rec., VI, 188, 563; VII, 102, 181, 242, etc. This subject will be treated more fully in the consideration of Indian affairs.

[2] Col. Rec., I, 30, 68, etc.; III, 49, 72, etc.; VI, 19, 48, etc.

[3] Col. Rec., X, 366.

[4] Weeden, Economic and Social Hist. of New England, I, 32. Bronson, Hist. of Connecticut Currency, *New Haven Hist. Soc. Papers*, I, 3. The fathom of wampum was 60d. worth, and was a variable amount according as the value of the beads was fixed by law. If it was six beads to the

Used first in their dealings with the natives, these shells soon became a recognized currency among the colonists, and were exchanged for merchandise, labor and taxes. They passed at rates fixed by statute, which were altered from time to time as the supply varied.[1] After the middle of the seventeenth century, wampum begins to disappear as a medium of exchange, but in smaller transactions, and in the more remote settlements, it continued in use throughout the seventeenth and into the eighteenth century.[2] In the more important business transactions, and in the payment of taxes, merchandise took the place of specie. The articles chosen were wheat, rye, oats, Indian corn, peas, beef, pork, beaver, etc. The prices at which these articles were to pass were fixed from time to time by the General Court. The payment of taxes in merchandise, necessitated the maintenance of a colony magazine or store house, to keep the products in until they should be disposed of.[3] Throughout the seventeenth and into the eighteenth century until the appearance of paper currency, farm products continued to be used in the payment of taxes, and for the exchange of commodities.[4]

penny then three hundred and sixty beads made a fathom. Weeden, Indian Money as a Factor in New England Civilization, *J. H. U. S.*, II, 385.

[1] In 1637 the rate was three beads to the penny, in 1640 four to the penny, and in 1642 six to the penny. Col. Rec., I, 13, 61, 79.

[2] It was in use as late as 1704 and possibly later. Bronson, *op. cit.*, 4. The decline of wampum as a circulating medium was due to the decreasing commercial relations of the natives and the whites, and to the increase in the quantity of metallic currency which found its way into the colony, especially from the West Indies. Weeden, Economic and Social Hist., I, 45.

[3] In 1667 the General Court proposed to "hire a chamber for keeping the Country Rate in the respective towns." Col. Rec., II, 64.

[4] In 1710 the General Court required rates to be paid in specie or bills of credit, but in 1720, and again in 1723 we find a tax levied payable in grain. Upon the sinking of the paper currency in 1757 it was found necessary to resort to commodities once more in the payment of taxes. Col. Rec., V, 157; VI, 223, 431; XI, 9.

Some foreign coin found its way into the colony, and its exchangeable value was regulated by enactment of the General Court.[1] Most of these foreign coins were worth far less than their supposed intrinsic value, as a result of the washing and paring of coins, which was then so common.[2] To the foreign coins was added the "Pine Tree Currency" of Massachusetts.[3] It is uncertain at what time the "Bay Shillings" became common currency in Connecticut, but it was probably somewhat before the end of the seventeenth century.[4] It was not until some time after they had become generally current in the colony, that they were officially recognized by the General Court. By the code of 1702, it was provided that they should pass current at the rate at which they were stamped.

The appearance of New England and foreign coins, did not displace "country pay" as a means of discharging debts and paying taxes. As a result, several currencies were in existence, and prices of commodities were regulated according to the currency offered in payment. The following quotation from "The Private Journal of Madam Knight, on a journey from Boston to New York, in the year 1704," is of interest. "They (the people) give the title of merchant to every trader who rate their goods according to the time and specie (kind)

[1] In 1643 the Court ordered that "good rialls of $\frac{8}{8}$ and reix dollars" should pass at 5s. Col. Rec., I, 86. The intrinsic value of these coins was 4s. 6d. Bronson, *op. cit.*, 22; Dewey, Financial Hist. of the U. S., 20. In 1683 the Court ordered that "for the future all pieces of eight Mexicoe, pillar and Civill pieces" should pass at six shillings each, and "all good pieces of Perue" at five shillings. Col. Rec., III, 119. Mexico pieces of eight were worth 4s. 6¾d., Seville pieces "old plate" 4s. 6d., "new plate" 3s. 7½d., and Peru pieces 4s. 5d. Bronson, *op. cit.*, 26.

[2] Bronson, 22.

[3] The Massachusetts mint was established in 1652. Felt, Historical Account of the Mass Currency, 31.

[4] Bronson, *op. cit.*, 19.

they pay in, viz: pay, money, pay as money,[1] and trusting (that is they have a pay price, a pay as money price, and a trusting price). Pay is grain, pork, beef, etc., at the prices set by the General Court that year; money is pieces of eight ryals or Boston or Bay Shillings (as they call them) or good hard money as sometimes silver coin is termed by them, also wampum, (viz. Indian beads) which serves for change. Pay as money, is provisions as aforesaid, one third cheaper than as the Assembly in General Court sets it, and trust, as they and the merchant agree for time. Now when the buyer comes to ask for a commodity, sometimes before the merchant answers that he has it, he says, 'is your pay ready?' Perhaps the chap replies yes. 'What do you pay in?' says the merchant. The buyer having answered, the price is set; as, suppose he wants a six penny knife; in pay, it is twelve pence; in pay as money, eight pence, and in hard money, its own price (value) six pence.'"[2]

To all this variety of currency must be added the paper currency, which did not make its appearance in Connecticut until five years after the above was written.

The fluctuation and variation in the value of foreign coins at different times, and in the different colonies, caused great inconveniences in trade.[3] To remedy this, Queen Anne, in 1704, upon recommendation of the Board of Trade, issued a proclamation, fixing the value of foreign coins then current in the colonies. In 1707 the proclamation was passed by parliament, and a penalty of six

[1] Bronson is of the opinion that "pay as money" and "money" were one and the same thing.

[2] Quoted in Bronson, 22.

[3] The Spanish milled dollar which took the place of the eight-real piece was valued in New England and Virginia at 6s., in New York and North Carolina at 8s., in New Jersey, Pennsylvania and Maryland at 7s. 6d., and in South Carolina at 4s. 6d. Gouge, A Short Hist. of Paper Money and Banking, 6.

months imprisonment and 10 pounds fine was to be inflicted upon any one receiving or paying out any of the coins, at a higher rate than that fixed in the statute.[1] From this law came the expression "Proclamation" or "lawful" money, which is met with so frequently in the records during the eighteenth century.

In 1690 paper currency first made its appearance in the American colonies.[2] It was in that year introduced in Massachusetts, to defray the expenses of the expedition against Canada. Connecticut did not "follow the Bay Horse" until near the close of the second intercolonial war.

In June, 1709, the General Court, then in session at New Haven, enacted the following law:

"Forasmuch, as by reason of the great scarcity of money, the payment of the public debts, and charges of this government, especially in the intended expedition to Canada, is made almost impracticable; for remedy whereof, be it enacted, . . . That there be forthwith imprinted, a certain number of bills of credit of this Colony, in suitable form from two shillings to five pounds, which in the whole shall amount to the sum of eight thousand pounds, and no more; which bills shall be indented and stamped with such stamps as the Governour and Council shall direct, and be signed by a committee appointed by this Court, or any three of them, and of tenor following, that is to say

No. ( ) 20 s.

This indented bill of 20 shillings, due from the Colony of

[1] Bronson, *op. cit.*, 26. Statutes at Large, 6th Anne, Chap. 30.

[2] Felt, *op. cit.*, 49. Traces of paper currency have been found in Massachusetts as early as 1646. These notes were probably issued by private individuals. Of their form and value we know nothing. Proceedings of the American Antaquarian Society, April, 1866. Weeden credits John Winthrop, Jr., with being the real founder of paper currency in America. Weeden, Economic and Social Hist., I, 317.

Connecticut in New England, to the possessor thereof, shall be in value equal to money, and shall be accordingly accepted by the treasurer and receivers subordinate to him, in all public payments, and for any stock at any time in the treasury. Hartford, July the twelfth; Anno Domini 1759. By order of the General Court.

J. C.
J. H. } Committee.
J. E.

And so mutatis mutandis for a greater or lesser sum."[1]

For some reason the words "in all public payments" were omitted in the first issues of the bills. The following year (1710) the General Court, probably fearing that the omission would discourage their acceptance, provided that the bills should "be as good and effectual to all intents and purposes . . . as they would have been if the said words so omitted as aforesaid, had been inserted fully, and at large in the said bills."[2] To encourage the acceptance of the bills, they were accepted "in all public payments" (afterward interpreted by the General Court to mean simply payment of taxes) at an advance of 12d. in the pound.[3] 8,000 pounds were ordered in the first issue, 4,000 pounds to be used in defraying the indebtedness of the colony, and 4,000 pounds held for further disposal. As a fund for securing and redeeming the bills, a rate of 10d. in the pound was levied, one half to be paid in 1710, and the other half in 1711. Before a year had passed after the first issue, there was again a "great scarcity of money," and the Court ordered 11,000

[1] Col. Rec., V, 111. For reprints of several bills of credit see Memorial Hist. of Hartford Co., I, 324, 325.

[2] Col. Rec., V, 157.

[3] Trumbull states that "in all other payments (other than public payments) they were to be received as money." If by this he means that the bills were made legal tender he was mistaken. Trumbull, *op. cit.*, I, 474.

pounds more of the Bills of Credit to be issued, and as a fund for redeeming them, a rate of 12,000 pounds was levied to be paid "within the term of 6 years . . . and so much thereof in each of the said 6 years," as the General Court should order.[1]

From this time on for a number of years, at each session of the General Court, a greater or less amount of the bills were issued, and old bills drawn in by taxation reissued.[2] Every effort was made by the General Court to encourage the circulation of the bills. Besides placing a premium on them in the payment of taxes, the Court ordered in 1709 that all salaries of officials which had formerly been paid in "country pay" should be reduced one third and paid in the bills of the colony, unless expressly stated that they were to be paid otherwise.[3] Again the following year the Court ordered that all rates for drawing in the bills of credit should be paid "either in bullion or at the rate of 8 sh. the ounce, troy, or in bills of public credit, created as aforesaid, and in no other manner."[4] By this latter act, "Country Pay" or commodities, were excluded from the Treasury in the payment of taxes. In 1713 the General Court ordered the imprinting of 20,000 pounds in bills of credit on a new plate, to be exchanged for the old bills then outstanding, which it was discovered had been counterfeited.[5] While

[1] Col. Rec., V, 127.

[2] *Ibid.*, V, 182, 226, 228, 252, etc. During the first intercolonial war there were issued in all 34,000 pounds in bills of credit, and at the end of the war there were still outstanding about 20,000 pounds. Bronson, *op. cit.*, 33. Col. Rec., V, 378.

[3] Col. Rec., V, 128.

[4] *Ibid.*, V, 157. The same year, however, this was modified to read instead of bullion "money as it shall generally pass in New England." This change was made, probably, because it was found that rating silver at 8s. per ounce was contrary to the act of Parliament. Bronson, *op. cit.*, 33; Col. Rec., V, 166.

[5] Col. Rec., V, 378. The following drastic act was passed for the punishment of counterfeiters. Any person convicted should have his right ear

this issue was ordered exclusively for changing the old bills, the Court, from year to year, drew upon the fund for ordinary expenses, which necessitated more issues of the new bills, when the old ones appeared from time to time at the treasury for redemption. Between 1713 and 1732, 46,000 pounds in bills were issued, all with the ostensible purpose of sinking the old bills, but of this amount, nearly 30,000 pounds had been used in defraying colony expenses.[1]

Owing to the scarcity of small change, the colony bills had been halved and quartered, and the parts circulated at a proportionate value. To prevent this mutilation of the bills, the General Court ordered that the treasurer should not honor any quartered bills.[2] The practice, however, seems to have continued.[3]

To add to the increasing volume of paper currency, the bills of credit of the neighboring colonies, found their way into Connecticut. In 1719 these bills received official recognition from the General Court, when it was provided that the "Country Rate" should be paid in the colony's bils of credit at an advance of 5 per cent., or in the true bills of Massachusetts, New York, Rhode Island or New Hampshire, without advance.[4]

It has been noted that the earlier issues of the Connecticut bills of credit, were not made a legal

cut off, be branded with a C on the forehead, committed to the work house for life, and be whipped every time he should leave it without permission, have his estate forfeited and be debarred from trading. Col. Rec., VI, 467.

[1] Bronson, *op. cit.*, 36. In a report of the Board of Trade to the King in 1737, it was stated that in 1731, according to the printed Book of Acts sent by the colony to the Board, it appeared that there were outstanding 48,994 pounds 4d. in Bills of Credit from which no fund had been provided for redemption. I can find no justification for this statement. Talcott, Papers Conn. Hist. Soc. Colls., V, 166 note.

[2] Col. Rec., VII, 39.

[3] *Ibid.*, VIII, 34, 133.

[4] *Ibid.*, VI, 145. "Country Pay" appeared again this year in the payment of rates, but three years later it was once more excluded.

tender. In 1718, however, the General Court, considering that for want of a proper means of exchange, the bills had obtained a very general currency in private trade and dealing, and to encourage their further use, ordered that after November 1, 1718, no debtor should have execution passed on his estate if he offered to pay his debts in full in the bills of credit, except in contracts where it was expressly stated that payments should be made in silver or some other medium.[1] This was an ingenious way of accomplishing by indirection what the officials evidently feared to do directly. The colonists wanted to obtain all the supposed benefits from the paper currency, but still hesitated to come out boldly and declare the bills a full legal tender. They doubtless felt that they were pursuing a course which would not be looked upon favorably in England.

New schemes were continually brought forward for increasing the supply of these very convenient bills. There was a constant complaint of a "lack of a proper means of exchange." Massachusetts in 1714, and Rhode Island in 1715, had established what were essentially colonial land books.[2] Bills of credit of the colony were loaned to private individuals on mortgage security, and the payment of annual interest, which latter was used to help defray the colony expenses. It was not long before this plan found favor in Connecticut. In 1726 the Lower House of the Assembly proposed the formation of a "bank" similar to those which had been established in the neighboring colonies, but the proposition was rejected by the more conservative Upper House. Two years later

[1] Col. Rec., VI, 74. The law was made retroactive for all debts contracted subsequent to July 12, 1709, when the Bills of Credit were first issued. The act was to remain in force until 1727, but later this time was extended to 1735. Col. Rec., VII, 208.

[2] Arnold, Hist. of Rhode Island, 53, 56. Felt, *op. cit.*, 67.

the Lower House again considered the matter, appointing a committee to elaborate a scheme for raising a "bank" of 100,000 pounds. The whole matter, however, was blocked in the Upper House, which stated that it did not deem it wise to proceed with the plan, in view of the fact that complaints were then pending before the King in Council, concerning the issuance of bills of credit by the different colonies.[1]

The advocates of an expanded currency, however, accomplished their designs in another direction. In 1730 there was formed in New London an association of some sixty merchants, which was incorporated under the name of "The New London Society United for Trade and Commerce."[2] This society, in imitation of the colony, soon began to issue bills of credit. These bills appear to have circulated freely as currency.[3] It was not long, however, before the colonial authorities took notice of what was being done. Gov. Talcott ordered the sheriff of Hartford County to summon the society before a special meeting of the legislature, to show cause why they should not be ordered to refund to the possessors of their bills the sums paid for them.[4] The General Court decided that the Society had exceeded its powers in issuing the bills, and its charter was revoked. A law was then passed prohibiting any similar action by private individuals, or associations in the future.[5] The question was then considered, as to how the almost worthless outstanding notes

[1] MS. Rec. Finance and Currency, II, 50, 146, 150.

[2] Col. Rec., VII, 390.

[3] Caulkins, Hist. of New London, 242 et seq. Conn. Hist. Soc. Colls., IV, 279. A facsimile of a bill of the New London Society is printed in Col. Rec., VII, 420.

[4] Conn. Hist. Soc. Colls., IV, 268.

[5] Col. Rec., VII, 421. An attempt was made to revive the New London Society within one month after its dissolution, but the General Court voted that "it would not be to for the peace and health of the government" to reëstablish it. *Ibid.*, VII, 449.

of the company might be drawn in.[1] The General Court held the members of the Society responsible to the possessors of the bills, but it was deemed expedient to aid the former in sinking the Society bills. With this purpose in view, the General Court authorized the issuance of 30,000 pounds in bills of credit of the colony; 15,000 pounds were placed in the hands of a committee, to be loaned to members of the society, who should hand over to the committee society bills to an amount equal to that borrowed from the colony. The loans bore interest at 6 per cent., and were secured by mortgages on land to twice the amount of the loan.[2] At the next session of the Assembly in 1733 it was ordered that the remaining 15,000 pounds should be distributed equally among the five counties. A committee in each county was authorized to loan the notes to the inhabitants of the towns, in sums from fifty to one hundred pounds, secured by mortgages on land, to double the amount of the loan. Interest at the rate of 6 per cent. was charged.[3] Another issue of 20,000 pounds during the same year appears to have been loaned upon the same conditions.[4]

Whatever justification might be offered for loaning the colony bills to the defunct New London Society, no valid reason can be given for the colonial officials once more "trotting after the Bay Horse," in establishing a colony land bank. The debtor class, always increasing with a depreciating currency, had evidently obtained the upper hand, and the demand for a greater "medium of exchange" could not be resisted by the Assembly. The

[1] The amount of the Society's bills in circulation was, probably, about 10,000 pounds. Davis, A Connecticut Land Bank of the Eighteenth Century, *Quarterly Journal of Economics*, XIII, 81.

[2] Col. Rec., VII, 450, 452.

[3] *Ibid.*, VII, 455.

[4] *Ibid.*, VII, 462; Bronson, *op. cit.*, 44.

colonial authorities had discarded, if they had ever appreciated, all sound principles of finance.

From October 1635 to May 1740, no new issues of bills were authorized.[1] In 1739, began the third of the series of intercolonial wars, and with it once more began the merry grind of the paper currency mills. In May, 1740, 4,000 pounds in bills were issued, and the following July 15,000 more.[2] These were the last of the so-called "Old Tenor" bills.

Possibly it is needless to state that there had been a steady, almost a disastrous, depreciation in these bills, during the period under consideration. Silver, which in 1710 was worth 8s. an ounce had risen in 1739 to 26s.[3] The colonial authorities felt that something must be done

[1] In October 1635, 25,000 pounds were issued, to be used in sinking bills then outstanding which had again been counterfeited. In 1739 an order passed the Upper House for emitting 10,000 pounds in new bills, but it was negatived in the Lower House, probably because the amount was considered too small. In the same year another complicated scheme for loaning Bills of Credit was proposed by the Lower House but negatived in the Upper House. Col. Rec., VIII, 17. MS. Rec. Finance and Currency, III, 57, 58, 67, 102.

[2] Col. Rec., VIII, 295, 327. In 1740 Gov. Talcott in answer to inquiries from the Board of Trade sent a detailed account of the yearly emissions of Bills of Credit from the first issues down to 1737. Dr. Bronson analyses this table and shows it to be misleading. Conn. Hist. Soc. Colls., V, 209 et seq. Bronson, *op. cit.*, 50.

[3] The following table is of interest as showing the steady advance in price of silver, or conversely the steady decline in the currency.

1708, Sept.,	one ounce	plate	worth 8s.	currency.
1710, May,	one ounce	bullion	worth 8s.	currency.
1721, May,	one ounce	plate	worth 12s.	currency.
1724, July,	one ounce	silver	worth 15s.	currency.
1729, July,	one ounce	silver	worth 18s. 2d.	currency.
1732, May,	one ounce	silver	worth 18s.	currency.
1739, June,	one ounce	silver	worth 26s.	currency.
1742, Dec.,	one ounce	silver	worth 26s.	currency.
1742, Dec.,	one ounce	silver	worth 28s.	currency.
1743, Feb.,	one ounce	silver	worth 28s.	currency.
1744, Dec.,	one ounce	silver	worth 32s.	currency.

Bronson, *op. cit.*, 52.

to stem this ever-decreasing value of their favorite currency. Curiously enough the expedient adopted was the issuance of more paper to provide as they once more said for the "great scarcity of a medium of exchange." Reasoning, perhaps, that some mere change in wording of the bills, some stronger fiat expression, would in some mysterious manner prevent further depreciation, the General Court provided for the emission of the so-called "New Tenor" bills. These bills were distinctly stated to be legal tender "in all payments and in the Treasury." On the face of the bills it was stated that they were "equal in value to silver at eight shillings per ounce."[1] 30,000 pounds in these bills were ordered to be struck off, 8,000 pounds were used in defraying the colonial expenses, and the remaining 22,000 pounds were distributed among the countries to be loaned to the freeholders on mortgage security of double value, with interest at 3 per cent. annually. At the outset, this new venture received a check by an order sent by the Board of Trade, ordering that the legal tender clause be stricken from the bills. This was done, and at the same time the court ordered the withdrawal of the new bills from circulation, by exchanging them for old tenor bills, at the ratio of $2\frac{1}{2}$ of the latter, to one of the former.[2]

For four years after 1740, no new emissions of bills of credit appeared, possibly because it was feared that more drastic action would be taken by the home government.[3]

[1] Col. Rec., VIII, 319.

[2] *Ibid.*, VIII, 359.

[3] In 1740 the House of Commons addressed the King requesting that he send orders to the different colonial governors requiring that they should assent to no act for issuing Bills of Credit in lieu of money, unless a clause be inserted that such act should not take effect until approved by the King. The King acted in compliance with this request. Conn. Hist. Soc. Colls., V, 245, 296.

This order could have no effect in Connecticut where the Governor did

The continuance of the war with Spain, and, what was of greater moment to the colonies, the entrance of France in to the struggle in 1744, excused, if it did not necessitate, a further resort to paper currency. It is wearisome and unprofitable, to note in detail the successive emissions of new bills. In all Connecticut issued during the third intercolonial war, 131,000 in bills of credit, of which 109,000 were of the so-called "New Tenor."[1]

The financial affairs of the colony were fast reaching a crisis. Nothing could stop the constant and rapid depreciation of the paper currency. Silver which could be bought in 1739 at 28s. per ounce, in paper, had risen in 1744 to 32s. and in 1749 to 55s.[2] The credit of the colony was utterly ruined; trade and commerce were demoralized. Contracts could not be safely made, for no one knew what would be the value of the currency from day to day. With the close of the war in 1748, the colony officials began to think of some plan for extricating the colony from the intolerable condition of affairs. Here again Connecticut followed as she had done so often before the lead of Massachusetts.[3] It was provided by the Assembly, May, 1749, that all money that should be received from England to reimburse the colony

not have the power to approve or disapprove the acts of the Assembly. In the then existing condition of affairs, however, the colonial authorities probably deemed it wise not to call the attention of the authorities in England to the weakness of the executive and the absence of any means of imperial control in the colony.

[1] The New Tenor bills were not used in ordinary business transactions, and did not depreciate as badly as the Old Tenor bills. They came finally to be worth in the proportion of three and one half of the latter to one of the former. Bronson, *op. cit*, 64, 65.

[2] *Ibid.*, 65.

[3] In 1748 the plan suggested by Thos. Hutchinson was adopted in Massachusetts. The money which was received from England to reimburse the colony for its expenses in the war was used for sinking the Bills of Credit. Bronson, *op. cit.*, 66; Felt, *op. cit.*, 124.

for the expenses of the late war, should be used for sinking the outstanding bills of credit.[1] 800,000 pounds were appropriated by Parliament in 1747 to reimburse the colonies for their expenses in the Louisburg expedition, of which sum Connecticut received some 28,000 pounds.[2] According to the auditors' report, there were outstanding over 340,000 pounds in bills of credit.[3] The Assembly had provided that of the amount received by the colony from England, one half should be sold for bills of credit, and one half for silver coin, the latter to be used by the Treasurer in redeeming the bills of credit. All bills brought into the treasury were to be burned. To sink the remainder of the bills, three three-penny taxes were levied, payable in the bills of credit in 1751, 1752, and 1753.[4] The colony bills that were brought into the treasury by taxes, were paid out in discharging the ordinary colony expenses until 1753. In that year the Assembly, urged on probably by the further hostile attitude of the home authorities, took the final step by ordering that all taxes should be paid thereafter in lawful or "proclamation" money, and that those who were forced to pay in colony bills, they should be accepted at the rate of 14s. 7d. "New Tenor" or 51s. "Old Tenor" for 6s. lawful money. At the same time, it was ordered that no more of the bills should be issued from the treasury for any purpose.[5]

[1] Col. Rec., IX, 447.

[2] Arnold, Hist of Rhode Island, II, 170; Bronson, *op. cit.*, 69.

[3] Col. Rec., X, 65.

[4] Col. Rec., IX, 447. These taxes seem to have been more than sufficient to provide for the remaining bills, for two thirds of the taxes payable in 1751 and 1752 were abated by the Assembly. *Ibid.*, X, 65, 128.

[5] Col. Rec., X, 157. In 1751 Parliament, which had been considering the subject of colonial currency, enacted a statute prohibiting the Governors of the New England colonies from assenting to any act for the issuance of Bills of Credit, except for current expenses which were to run for a period not longer than two years, or in cases of emergency for a period of five years. Statutes at Large, 14, George II, Chap. 37.

The colony thus emerged from the paper money craze by the simple, though dishonorable, expedient of paying one ninth of its obligations, and repudiating the other eight ninths.

Before all of the old bills had been called in, war again broke out between England and France, and the colony was once more put to it to provide for the extraordinary expenses of the government. The system of borrowing money without interest, had exploded; but some means had to be devised to meet the increasing burden of expense, due to the war. The plan adopted was much more sound than any which had been previously tried. In January, 1755, the Court voted to issue 7,500 pounds in interest-bearing treasury notes. In form the notes were as follows:

No. ( ) 20s.

The possessor of this Bill shall be paid by the Treasurer of the Colony of Connecticut, Twenty Shillings Lawful Money, with interest at 5 per cent. per annum, by the 8th day of May, 1758. By order of the Assembly at New Haven, January 8th, 1755.

For sinking the bills, a tax of 2d. on the pound was granted, payable in the new bills or lawful money, by the last day of August, 1757.[1]

In March, 1755, the Assembly again took up the consideration of the colony's financial condition. There was still in the Treasury some 5,000 pounds in gold and silver hypothecated for the redemption of the old colony bills. In order to liberate this money to defray the colonial expenses, the Assembly ordered that the Treasurer should tender to persons presenting colony bills for redemption, interest bearing colony notes, payable in three annual installments in the years 1756, 1757 and 1758. Taxes

[1] Col. Rec., X, 329.

sufficient to sink the notes at maturity were ordered, payable in lawful money, colony bills, or commodities.[1] During the continuance of the war, frequent resort was made to these colony notes for defraying the expenses of the government. They were all of the same tenor, bearing interest at 5 per cent., and payable at a stated time. There is no evidence that payment was postponed on any of the notes, or that they were re-issued when once brought into the Treasury. In strictness these notes did not form a part of the currency, but were in the nature of colony bonds, varying in value, as such instruments do to-day, according to the time they had to run, the interest accrued and the confidence of the buyer in the maker of the bonds.[2] There is, however, evidence that they served as money in the discharge of debts.

After 1764, the emission of these notes ceased until 1770, when a new issue of 10,000 pounds was ordered, and the interest reduced to 2½ per cent. This would indicate that the colony's credit had improved.

The following year the colony inaugurated a new era of fiat money; non-interest bearing notes were agian resorted to, after an interval of twenty-five years.[3] Down to the Revolution, however, this new venture did not result in disaster. The notes were not issued in large amounts, were redeemable within two years, and do not appear to have depreciated in value.[4]

[1] *Ibid.*, X, 339.
[2] Bronson, *op. cit.*, 82.
[3] Col. Rec., XIII, 516.
[4] Bronson, *op. cit.*, 84.

CHAPTER III.

Land System.

When the inhabitants of the three river towns left Massachusetts for their new homes upon the banks of the Connecticut, they settled upon territory to which they had no title, except a squatter's right of possession. In the absence of any Royal Charter or grant from the New England Council, the colonists early turned their attention to strengthening their right of possession, by purchasing the claims of the native proprietors. There is no evidence that the founders of Connecticut accepted the views of Roger Williams, that a valid title could only be obtained by purchase from the Indians, but they possessed themselves of the native title, as the only one that could be obtained under the circumstances. Unquestionably the colonists were also prompted by a spirit of fairness towards the Indians, in paying them for their land, for even after the granting of the Royal Charter in 1662, when the title of the colonists to their land no longer rested upon occupation and purchase, there was uniform action in extinguishing the Indian title, by purchase and treaty.[1]

It was early recognized that much confusion would result from indiscriminate purchases of land by individuals from the natives. The Indians were none too careful about selling the same land several times to different purchasers, and many conflicting claims resulted.[2] To avoid such confusion of titles, the colonial authorities

[1] Col. Rec., II, 151, 254; IV, 305, 526.

[2] Larned, Hist. of Windham Co., I, 195, 150.

attempted to restrict the purchase of land from the Indians to those who had received the consent of the General Court.[1] These orders of the General Court, however, seem to have been "honored more in the breach than in the observance." It is true that there are instances where persons or groups of persons, applied to the Court for authority to purchase land from the Indians,[2] but unauthorized purchases undoubtedly continued, and it must be confessed that the action of the General Court, would incline one to believe that it did not consistently enforce its own orders.[3]

By the end of the first quarter of the eighteenth century, practically all the Indian claims to the territory of the colony had been extinguished by purchase or treaty, some of them several times over.[4]

For more than twenty-five years, the colonists of Connecticut held their lands merely by de facto possession and native purchase.[5] In 1662, however, through the efforts of John Winthrop, the younger, a Royal Charter was obtained, confirming to the colony not only the land which they occupied, but also annexing to it the formerly independent jurisdiction of New Haven. The Charter granted the land to be held as "of the Manor of East Greenwich" in free and common soccage on the condition

[1] Col. Rec., I, 402; II, 151; IV, 305.

[2] MS. Rec. Towns and Lands, IV, 66, 68.

[3] After repeatedly forbidding unauthorized transfers of land from the natives, the General Court in 1706 ordered that if any person who had made such an illegal purchase should present an account of it to the Court no advantage would be taken of it. The following year this act was repealed. Col. Rec., V, 4, 30.

[4] Cothren, Hist. of Ancient Woodbury, 21.

[5] I pass by the somewhat mythical claim based upon the Warwick patent. For a discussion of this patent see Johnston, Connecticut, 88 et seq; Peters, Hist of Conn., 25 et seq.; Hoadley, Warwick Patent, Acorn Club Publications, No. 7.

of the payment of one fifth the gold and silver found in the colony.[1]

Prior to the formation of the Fundamental Orders the inhabitants of the three river towns appear to have acted upon their own initiative in making purchases of land from the natives. Neither the Massachusetts Commission nor the Court which displaced it seems to have controlled the granting of land. After 1639, however, all unoccupied land became public domain, and by the Fundamental Orders, the right to dispose of such land was given to the General Court.[2]

The parceling out of the land of the colony was accomplished in two ways, first, by grants to individuals, and second, by grants to groups of individuals. The individual grants, which were very common during the first fifty years of the colony's history, were in the nature of pensions, salaries, gratuities, or for the encouragement of some commercial enterprise.[3] These grants were often made by the General Court in the most indefinite way, allowing the grantee to choose the land wherever he pleased, so long as it did not prejudice any former grant.[4] As we approach the end of the seventeenth century, individual grants of land by the General Court become less common, but do not entirely cease.[5] By far the most important manner of dividing the colony lands was by means of grants to groups of individuals with the object of forming new plantations. These grants were usually made in answer to petitions from actual or pros-

[1] Poore's Charters and Constitutions, I, 252 et seq.; Cheyney, The Manor of East Greenwich, *Am. Hist Rev.*, Oct., 1905.

[2] Col. Rec., I, 25.

[3] *Ibid.*, I, 276, 323; II, 200, 214; III, 233.

[4] Thus we find 150 acres to be taken up "where it doe not damnify the Indians nor ye plantation," and again "where he can find it in Connecticut limits." Col. Rec., I, 340, 372.

[5] For grants subsequent to 1700 see MS. Rec. Towns and Lands, III.

pective settlers of a new plantation.[1] If the petition was approved by the Court, a committee was generally appointed to view the proposed plantation, to see if the location was suitable, to consider the number of inhabitants it would accommodate, and to lay out the town plot and home lots.[2] The General Court might, and often did, direct more fully the formation of a new town. It was common for the Court to restrict the time in which the settlers should occupy and improve their grants.[3] The manner in which the land should be divided among the settlers was at times specified by the General Court. Thus it was ordered that each proprietor should have "equal and even shares" of the lands in Ridgefield.[4] In granting the plantation at Litchfield, the Court ordered that the township should be divided into 60 "rights," three of which were to be reserved for pious purposes.[5] In settling the town of Waterbury, the committee of the General Court controlled the plantation for five years.[6] Add to the above activities of the Court the appointment of surveyors to fix the bounds of town grants, the settlement of disputes between towns as to their respective boundaries, and the occasional minute direction in special cases, and we have a substantially complete view of the land system, so far as the colony was concerned. In short, the land system of Connecticut was similar in all respects to that of the other corporate colonies of New England.[7] In these colonies there appeared no systematic attempt to obtain a revenue from

[1] Occasionally the General Court took direct action in settling a township without a petition. Col. Rec., V, 180; VI, 63.

[2] Col. Rec., II, 210; V, 55, 160.

[3] *Ibid.*, II, 128.

[4] *Ibid.*, V, 121.

[5] *Ibid.*, VI, 127.

[6] Anderson, Hist. of Waterbury, I, 150.

[7] Osgood, American Colonies, I, 425 et seq.

the public domain. Land was granted freely to the settlers, and seldom leased or sold by the colony. Quit rents and alienation fines formed no part of the revenue of the corporate colonies. It is true that during the eighteenth century public land was not granted with such a free hand in Connecticut as had formerly been the case. It became common, in fact even the rule, for the colony to require some compensation for land grants,[1] but there is no evidence that the colony aimed to obtain a permanent revenue by leasing the public lands, nor do any officials distinctly charged with the administration of the public domain appear.

We come now to consider the manner in which the land granted to groups of individuals was distributed; how individual ownership displaced joint ownership. It is in this connection that the real importance of the land system appears. It is to be expected that the different localities in working out an agrarian policy would vary in some essential points, and in many details. Such being the case, it is difficult to make a general statement as to the land policy, which would apply equally to all the towns. There was, however, enough similarity of treatment to justify us in speaking of a land system. Furthermore, there was sufficient difference between the territorial policies of the towns formed during the seventeenth century and of those formed during the eighteenth century to warrant us in treating them separately.

It has been noted that the settlement of a town was usually occasioned by a petition from prospective or actual settlers. These settlers formed a reasonably definite group, and we are met at the outset with the question—were these petitioners granted the land as

[1] The most noteworthy of the sales of public lands was that of the seven townships sold at public auction in 1737. Col. Rec., VIII, 134, 170. See also Col. Rec., VI, 194; MS. Rec. Towns and Lands, II, 273.

proprietors in fee simple, or were they acting merely as trustees for the town in its corporate capacity? During the first fifty years of the colony's history, the question did not appear to be of much importance. In most of the towns the grantees included all, or nearly all, the freemen of the town, and under these circumstances a town meeting would be at the same time a meeting of the proprietors. As a result it became customary in most of the towns during the seventeenth century to make allotments of land and provide for the regulation of the undivided land in the town meeting.[1] The attitude of the General Court, moreover, seemed to confirm the view that the towns should have the power to regulate their common lands. In 1639, in defining the power of towns, the General Court stated that the "Towns of Hartford, Windsor and Wethersfield, or any other Towns within this jurisdiction, shall each of them have power to dispose of their own lands undisposed of."[2] Again, in 1643, the General Court ordered that as the condition of the plantations required that much of the land should be improved in common, each town should, before the next meeting of the Court, choose seven "able and discreet men to take the common lands belonging to ech of the seurall townes, respectively, into their serious and sadde consideration."[3]

As we approach the end of the seventeenth century, however, the distinction between the original settlers and their descendants, and those who came in after the settle-

[1] Hartford Town Votes, 39, 42, 46, et passim; Adams-Stiles, Hist. of Wethersfield, I, 95; Andrews, Three River Towns, *J. H. U. S.*, VII; Allen, Hist. of Enfield, passim; Steiner, Hist. of Guilford, 174; Colchester, Town Rec., passim; Caulkins, Hist. of Norwich, 95; Cothren, Hist. of Ancient Woodbury, 145.

[2] Col. Rec., I, 36.

[3] Col. Rec., I, 101. It is possible that this referred merely to the sequestered town commons, but it does not appear from the records that such was the meaning of the provision.

ment of the towns, becomes more marked. Land had increased in value with the increase in population. The number of inhabitants who were not descendants of original settlers was constantly augmented. As a result we find developing in most of the towns three distinct classes of inhabitants: first, the original settlers or "proprietors," their heirs, assigns and successors; second, admitted inhabitants of the town, who were not proprietors; third, transients, who were neither proprietors nor admitted inhabitants.[1] The first two classes formed the active part of the population of the town. The proprietors were, relatively, a fixed group, while the admitted inhabitants were constantly increasing. In the natural course of events, the latter would soon come to hold the balance of power in the town meeting, and as the administration of the land had become a function of the town meeting, they would control the distribution of the undivided land.

The proprietors, in order not to lose control of the land, set up the claim that the grant made by the General Court, was to the original settlers, their heirs, assigns and successors in fee simple, and not to the town in its corporate capacity, and that the proprietors should have the exclusive right to grant the undivided land in the town. In some of the towns where the Proprietors were still in the majority, no effective opposition was made to their claims,[2] but in towns where the non-commoners equalled or outnumbered the proprietors, the pretensions

[1] Dr. Stiles in his recent thorough study of Wethersfield makes a fourfold division (1) proprietors, (2) freemen of the commonwealth, (3) admitted inhabitants of the town not freemen of the commonwealth, (4) householders. This classification does not include the transient resident, who, though he received scant courtesy from the town, was still a portion of the population. Adams-Stiles, Hist. of Wethersfield, I, 41.

[2] In Windsor undivided land was granted exclusively by the proprietors. Andrews, Three River Towns.

of the latter were not quietly acquiesced in. In Simsbury, as early as 1672, a controversy arose as to whether the "outlands" belonged to the original proprietors, or to the inhabitants of the town generally. At a town meeting held in April, 1672, it was voted to divide a portion of these lands among the inhabitants of the town; similar divisions were also voted in 1680 and 1688, against all of which the proprietors protested ineffectually. The question again arose in 1719, when a committee appointed for the purpose reported, and the town voted, that "the right of disposal of common or undivided land, is and shall be in all such and them only who can derive their right so to do, either from an act of the General Assembly, and their heirs and assigns, or those who have been admitted inhabitants, and their heirs and assigns, or shall hereafter be admitted inhabitants with that power and right expressly inserted in the town's vote of admission."[1] To this action of the town the proprietors took exception. The town, however, continued to grant the undivided land until the action of the General Court sustained the contention of the proprietors, after which the remaining common lands were managed and conveyed exclusively by the proprietors. Similar controversies were carried on in New London, Canterbury, Ashford and other towns.[2]

It was in connection with the struggle in New London, that the question was brought before the General Court in 1719 for final settlement by petitions from both the town and the proprietors.[3] The attitude of the General Court

[1] Phelps, Hist. of Simsbury, 80.

[2] Caulkins, Hist of New London, 263; Larned, Hist. of Windham Co., I, 156; *Ibid.*, I, 214 et seq.

[3] MS. Rec. Towns and Lands, III, 174–184. Gov. Saltonstall strongly supported the proprietors of which he was one. See his protest against the action of the town in dividing the common lands. MS. Rec. Towns and Lands, III, 239.

had been at first, as we have seen, that the towns were empowered to regulate and dispose of the common lands. The first indication of a change of view on the part of the Court was in 1685, when patents were first issued to the various towns.[1] In these patents it was stated that the land in the towns was granted "to the said proprietors inhabitants, their heirs and assigns."[2] In confirming the patents of several towns in 1703, the following even stronger expression was used: "all and every the several above mentioned lands with all rights and immunities contained in the above mentioned patent, shall be and remain a full and clear estate of inheritance in fee simple to the several proprietors of the respective towns."[3] The next expression of the General Court upon this important question, was in answer to the New London petitions. When the petition of the town was first presented long debates ensued, the Upper House favoring the proprietors and the Lower House favoring the town.[4] The Court finally ordered that, it "being a matter of so great weight and general concern as to effect the generality of the towns," consideration of the question should be postponed until the next session of the Court.[5] At the following session it was resolved that the patent to the town did "confirm the lands in said township to each and every proprietor in such towns, and to such as have any distinct propriety there though not living in such towns . . . also all lands not divided or disposed to hold as tenants in common; all of which undivided lands were confirmed to them, the said proprietors, their heirs and

[1] Probably the reason for the issuance of the patents was to guarantee the titles to land that had been granted, before the colony's charter was vacated by Quo Warranto proceedings which were then pending.

[2] Col. Rec., III, 177.

[3] Col. Rec., IV, 443.

[4] MS. Rec. Towns and Lands, III, 174 et seq.

[5] Col. Rec., VI, 131.

assigns, so that no person by becoming an inhabitant afterwards could have any right to dispose of any land in said town by voting in a town meeting.'"[1] But the General Court ordered that all titles to land which had been previously obtained by town votes were to be valid.

The proprietors having carried their point, in many of the towns they took steps to organize themselves in a more permanent manner. Proprietors' meetings were held distinct from the town meetings, and the regulation and disposal of the undivided land was thenceforth controlled exclusively by the proprietors. The corporate character of the proprietors was recognized by the General Court in a number of acts. The proprietors were required to hold a meeting upon the application of at least five of their number; they were empowered to levy taxes upon themselves, and to choose a clerk duly sworn to record their proceedings.[2] At a proprietors' meeting a moderator and clerk, and usually a treasurer, were chosen. Much of the business of the proprietors was transacted by means of committees. Thus committees were appointed to provide for the division of the common lands, to look after the common fence, to search out and prosecute trespassers, to survey grants and lay out highways, etc.[3] Attorneys were also appointed by the proprietors to prosecute and defend all actions brought in the name of the proprietors.

While the proprietors in any given town were, in theory, the heirs, assigns and successors of the original settlers, and hence tended to become a close corporation, in many of the older towns the theory did not agree with

[1] *Ibid.*, VI, 189.

[2] *Ibid.*, VI, 25, 379, 424.

[3] See Proprietors Rec. of New Hartford, Norfolk, Canaan, Guilford and other towns.

the facts. Through lack of records in some towns it was impossible to discover who were the original settlers, and in such cases the taxable inhabitants at a given time were reckoned as proprietors.[1] Furthermore, the proprietors not infrequently added to their numbers. Thus in 1713, the proprietors of Colchester voted to add some twenty-four persons to the list of proprietors.[2] In Waterbury we find a distinction made between the original proprietors called "Grand Proprietors" and those later admitted called "Bachelor Proprietors." The latter shared in the divisions of common lands, but had no voice in granting land.[3]

We have thus far examined the administration of the land system, as it developed in the towns of the seventeenth century. The attempt has been made to show that, while at first the towns in their corporate capacity regulated the territorial policy, by the end of the century the proprietary system had become general. In many of the older towns, however, the greater part of the common land had been distributed before the proprietors obtained exclusive control, and hence their activity was considerably restricted. It is when we reach the towns formed during the eighteenth century, that we find the system of proprietary holdings most fully developed. We come now to consider these towns.

The territory from which the greater number of the towns of the eighteenth century were formed was the so-called "Western Lands," covering approximately the present county of Litchfield. All of this vast territory compris-

[1] In Guilford the body of the proprietors was fixed by town vote in 1697, and included all those that were settled planters in 1686. Steiner, Hist. of Guilford, 174. In New London such persons as were land holders in 1703 when the town patent was granted were considered proprietors. Caulkins, Hist. of New London, 263.

[2] Colchester, Prop. Rec., April 28, 1713.

[3] Anderson, Hist. of Waterbury, I, 280; Bronson, Hist. of Waterbury, 116.

ing over 300,000 acres, had been granted by the General Court to the towns of Hartford and Windsor, in 1675.[1] This grant was made in anticipation of the loss of the charter, and in order to prevent the lands from falling into the hands of Andros. Not much attention was paid to the territory, until after the opening of the eighteenth century. The land was rugged, and other more desirable territory was available for settlement.

The first attempt made by the Hartford and Windsor patentees to improve their grant, was in the settlement of the town of Litchfield in 1719. The General Court while granting the privilege of settling this town, practically rescinded, at the same time, the former extensive grant to the two towns.[2] The inhabitants of Hartford and Windsor, resisted[3] this act of the General Court, and the title to the lands was in dispute until 1726, when a compromise was reached by dividing the territory between the two towns and the colony.[4] The territory reserved to the colony embraced the present towns of Canaan, Norfolk, Goshen (including Warren) and about two thirds of Kent, while Hartford and Windsor received the present towns of Colebrook, Hartland, Winchester, Barkhamsted, Torrington, New Hartford and Harwinton. These towns may be taken as typical of nearly all the towns formed during the eighteenth century, and an examination of the system of land administration in these towns will suffice as showing the chief characteristics of all towns formed during this period.

In 1732, the towns of Hartford and Windsor made a division of their portion of the Western Lands, by which

[1] Col. Rec., III, 225.

[2] *Ibid.*, VI, 127.

[3] Trumbull gives an account of a riot at Hartford caused by the dispute over the title to this territory. This story, however, has been discredited. Trumbull, II, 96; Boyd, Annals of Winchester, 11.

[4] *Ibid.*, VII, 44, 337.

the townships of Hartland, Winchester and New Hartford, and the eastern half of Harwinton, went to Hartford, and the townships of Colebrook, Barkhamsted, Torrington and the western half of Harwinton, fell to Windsor. In the same year the General Court authorized the inhabitants of Windsor, and the following year the inhabitants of Hartford, to meet and make partition of their land to individual proprietors.[1] The taxable inhabitants of the two towns were then divided into seven "companies," each owning a township. The share of any individual in a company, depended upon the amount of his ratable estate in Hartford or Windsor.

The manner in which the part of Western Lands reserved to the colony was disposed of, and proprietorships created, is of interest, as characteristic of the way in which practically all the remaining public domain was parceled out. In 1737 the General Court ordered that the five townships on the east of the Housatonic River, and the two on the west,[2] should be sold at public auction in certain specified towns of the colony.[3] Six of the seven townships were divided into fifty-three "rights" or shares.[4] Three of the rights in each township were reserved, one for the use of the ministry, one as a gratuity to the first minister, and one for the support of the town school. The remaining fifty rights were sold to the highest bidders. The Court, however, fixed certain minimum prices for each right, ranging from 30 to 60 pounds. Cer-

[1] Col. Rec., VII, 387, 445.

[2] The five townships on the east side of the river were Norfolk, Canaan, Goshen, Cornwall and Kent; the two on the west Sharon and Salisbury.

[3] Norfolk at Hartford, Goshen at New Haven, Canaan at New London, Cornwall at Fairfield, Kent at Windham, Salisbury at Hartford, Sharon at New Haven. All the townships seem to have found purchasers except Norfolk which was not finally sold until nearly twenty years later. Col. Rec., VIII, 135; X, 320.

[4] Salisbury was divided into twenty-five rights.

tain restrictions were placed upon prospective purchasers. They were required to be inhabitants of the colony, to settle themselves or their agent and live three years in the town in which they purchased land, to build a house of certain specified dimensions, and clear and fence at least six acres of land.[1]

The method thus employed of distributing the public land might be termed the "eighteenth century plan," and from it developed certain characteristics which were markedly different from those of land system in the older towns. Perhaps the most striking distinction in this respect between the older and later towns, was the appearance in the latter of absentee proprietors, and the land speculation incident to such proprietorship.

In the older towns the proprietors were, to a large extent, actual settlers, and their land holdings were confined largely to the town in which they lived. In the towns formed during the eighteenth century, however, the proprietors bought land in a township having no intention of settling there. The land was purchased merely upon speculation, and it was common to find a large part of the land in a township change hands before any settlement had been made.[2] Proprietors' meetings were held where a majority of the proprietors lived,[3] and this was often not in the town of which they were proprietors.

[1] Col. Rec., VIII, 134 et seq.

[2] Not one of the 106 original proprietors of Winchester ever dwelt in the town, and only one son of a proprietor ever had a permanent residence there. Boyd, Annals of Winchester, 31. Of the twelve proprietors of Union only one was an actual settler. Lawson, Hist. of Union, 39. Of the 41 original proprietors of Sharon about one half became residents. Sedgwick, Hist. of Sharon, 24. In 1761 the proprietors certified that of the 25,000 acres of land in Cornwall from eleven to twelve thousand acres were owned by non-residents. MS. Rec. Towns and Lands, VIII, 278. See also Orcutt, Hist. of New Milford, 70; Atwater, Hist. of Kent, 17; MS. Proprietors Rec. of New Hartford, 11 et seq.

[3] The meetings of the proprietors of New Hartford were held at Hartford from 1732 to 1738. The first meetings of the Goshen proprietors were

The distinction between the proprietors' meetings and the town meetings, and their spheres of activity, were very much more clearly marked in the towns of the eighteenth century, than was the case in the older towns. Seldom or never do we find the town meetings in the later towns interfering in the regulation or distribution of the common land. The exclusive right of the proprietors to deal with these questions was generally conceded from the outset. Disputes between the towns and the proprietors did arise, but these were usually concerning the right of the town to tax the proprietary lands.[1] An outcome of the tendency to land speculation was the delay which resulted in the settlement of some of the towns. Land being held largely for a speculative increase in value and not for actual settlement, long periods of time elapsed between the sale of a township and its actual settlement.[2]

The proprietors as a body, in the later as in the older towns, continued their activity as long as there remained common or undivided land. At first their meetings were frequent, but as the successive divisions of common land constantly diminished their holdings in severalty, their activity decreased and meetings were held less and less frequently.[3]

held at Litchfield, of the Cornwall proprietors at Hartford, of Norfolk proprietors at Simsbury, of the Canaan proprietors at Wethersfield, and of the Kent proprietors at Windman. MS. Prop. Rec. of New Hartford, Norfolk and Canaan. Hibbard, Hist. of Goshen, 30; Gold, Hist. of Cornwall, 20; Atwater, Hist. of Kent, 22.

[1] MS. Rec. Towns and Lands, III, 136, 195; MS. Prop. Rec. of New Hartford, August 6, 1744; Lawson, Hist. of Union, 50.

[2] Winchester, one of Hartford's towns in the Western Lands, was not settled or divided until twenty-nine years after the division of the Western Lands. Boyd, Annals of Winchester, 31. It was nine years after the sale of Union before any attempt was made to divide the land among the proprietors. Lawson, Hist. of Union, 38.

[3] Meetings of the proprietors of Norfolk were held regularly twice, or oftener, a year until 1768, then no meeting is recorded until 1804, and then

Thus far in the treatment of the land system, emphasis has been laid merely upon the question of administration. In this treatment the attempt has been made to show that the activity of the colonial authorities in administering the land system was little more than supervisory, while the real direction and administration of the land was left to the localities. Furthermore that in the towns the system of proprietary administration had displaced the town administration of land by the end of the seventeenth century. The system of proprietary control which became general during the eighteenth century, was in all essential points analogous to the administration of the land system in the proprietary provinces.[1] The proprietors in the Connecticut towns were a reproduction on a smaller scale of the proprietors of Maryland and Pennsylvania. While the elaborate administrative machinery of the latter did not appear in any of the Connecticut towns, still the aims of the proprietors in each case were identical, namely, to obtain a revenue from their lands.

We come now to consider the manner in which the land of a township was distributed among the individual proprietors. Here again a distinction will be made between the earlier and later towns.

The character of the land in any township varied according to its location and topography. In most of the older towns which were situated on or near rivers or streams, the land might be classified roughly under the following heads: (1) Meadow or marshy land; (2) cleared upland; (3) uncleared or wooded land. Upon the cleared

at intervals of ten years or more until 1856. Meetings of the Canaan proprietors were held at intervals of two or three months until 1765, then irregularly until 1804. MS. Prop. Rec. of Norfolk and Canaan. See also Caulkins, Hist. of New London, 263; Allen, Hist. of Enfield, I, 92; Steiner, Hist. of Guilford, 175.

[1] Osgood, American Colonies, II, 16 et seq.

upland was usually located the town plot, home lots, and planting grounds. The meadow furnished hay and pasturage, while in the wooded land were pastured the swine, sheep and young cattle.[1]

The first step in the settlement of a town was the laying out of the town plot and the assignment of home lots. This, as we have seen, was often done by a committee of the General Court.[2] The home lots varied greatly in size in the different towns, and often within the same town. In Guilford they ranged from 1 to 10 acres; in Wallingford and Enfield they were uniformly 10 or 12 acres; in Litchfield 15 acres, while in Woodbury the inhabitants were divided into six "ranks," the home lots of the different ranks being 25, 20, 18, 16, 12 and 10 acres.[3] Generally the location of a person's home lot was determined by chance, but not infrequently the minister or other prominent settler would be allowed first choice.[4] After the home lots had been granted, the upland and meadow was subject to grant. Here again the division was usually made by lot. The circumstances which determined the size of a person's home lot, as well as his share of meadow and upland, varied in different towns. Occasionally, though not often, a rigid equality was observed in the assignment of home lots and other land.[5] Generally, in the earlier divisions, an attempt was made to proportion a person's share to his investment, or activity in forming the plantation, or his ability to advance the interests of the community. As time passed, the amount of a person's taxable estate became the common index for de-

[1] Osgood, American Colonies, I, 437.

[2] Col. Rec., II, 210; V, 55, 160.

[3] Steiner, Hist. of Guilford, 49; Davis, Hist. of Wallingford, 81; Woodruff, Hist. of Litchfield, 18; Allen, Hist. of Enfield, I, passim; Cothren, Hist. of Ancient Woodbury, 39.

[4] Caulkins, Hist. of New London, 59.

[5] Col. Rec., V, 55, 121; Andrews, Three River Towns, *J. H. U. S.*, VII.

termining his share in the undivided lands.[1] In Wallingford the whole population was divided into three "ranks." The persons in the first "rank" paid double the amount of taxes of those in the lowest "rank," and one third more than those of the middle "rank." Land was then divided among the ranks in the proportion of 4, 6, and 8.[2] In Guilford, in the fourth division of land, the rule was that there should be given one acre of land for every pound in the list, 18 acres for each male child, and 10 acres for each woman or female child.[3]

There appeared in some of the towns a desire to prevent too large an accumulation of lands in the hands of a few persons. In the "Articles of Association and Agreement," entered into by the planters of Waterbury, it was provided that no person should subscribe to more than 100 pounds' allotment.[4] In Guilford it was provided that no one should put in his estate above 500 pounds to "require accommodation in any division of lands."[5]

Seldom, or never, was all the undivided land of a town granted in one division; successive divisions were made as occasion demanded. As a result it was common to find a person's estate distributed about the town in a number of small tracts.[6]

Besides the regular division of land in which all, or a majority, of the inhabitants shared a large number of individual grants appear in the records of the different towns. These grants were made sometimes to accommo-

[1] Norwalk Town Records, December 12, 1687; Andrews, Three River Town, *J. H. U. S.*, VII; Larned, Hist. of Windham Co., I, 37.

[2] Davis, Hist. of Wallingford, 81.

[3] Steiner, Hist. of Guilford, 173.

[4] Bronson, Hist. of Waterbury, 8.

[5] Steiner, Hist. of Guilford, 49.

[6] One Isaac Gleason possessed some twelve separate portions of land in different parts of the township of Enfield. Allen, Hist. of Enfield, I, 137 et seq.; Compare Osgood, American Colonies, I, 449.

date new settlers, at others to equalize a person's share in a regular division because of deficiency in the quality of the land, and again to poor settlers that did not share in the general distribution.[1]

A result of the manner of dividing land which has just been described was that a considerable portion of the land would remain for a greater or less period of time undivided. The fencing and regulation of this common land was an important function of the town or proprietors' meetings. Furthermore, it was customary, when a given portion of common land had been divided among the proprietors, to allow the land to remain in one common field. Each owner improved his own part of the common field in his own way, and after the crops had been removed, it was the custom to depasture the field, allowing each owner to turn in a number of cattle proportioned to his acreage of land in the field.[2] Of the common fence each proprietor was required to build and keep in repair an amount proportioned to the amount of his holding in the field. The fences were viewed at regular intervals by fence viewers, and fines were imposed on those proprietors who failed to keep their portion in repair.[3] Besides the proprietary fields which lay in common, there were the town "commons." The latter were certain amounts of land sequestered by vote of the town or proprietors for the use of the town generally. These commons furnished pasturage, firewood, timber, stone, etc., to the inhabitants of the town without any reference to their proprietary ownership. These commons were maintained in some towns for many years, but finally were divided as the

[1] Hartford Town Votes, 197, 212, 238; Derby Rec., 28, 29, 78, etc.; Allen, Hist. of Enfield, I, 283.

[2] Adams-Stiles, Hist. of Wethersfield, I, 113; Eggleston, Land System of the New England Colonies, *J. H. U. S.*, IV, 594.

[3] Steiner, Hist. of Guilford, 246. See a good description of common fields and fences in Bronson, Hist. of Waterbury, 47 et seq.

other proprietary lands.[1] The maintenance of common herds and herdsmen was a characteristic accompaniment of the system of common fields. The cattle and sheep of a town were placed in one or more herds under the charge of regularly chosen town herdsmen and shepherds.[2]

An interesting feature of the land system of the older towns was the restrictions which were placed upon the right of an individual to alienate his land. As the entire right of commoners both in the divided and undivided lands might be sold or transferred, it was deemed necessary in order to prevent undesirable persons from becoming land holders and possible inhabitants of the town, to restrict the right of a person to dispose of his land at will. In 1659 the General Court provided that no person should sell his land until he had first offered it to the town in which the land lay, and the town had refused to purchase it.[3] To this general enactment the towns added other restrictions. From the first, Hartford had required the consent of the town to the sale of lands.[4] In Enfield a person was required to occupy his grant of land seven

[1] Adams-Stiles, Hist. of Wethersfield, I, 113 et seq.; Bronson, Hist. of Waterbury, 79 et seq. An interesting controversy occurred over the division of the town commons in Hartford in 1754. The descendants and successors of the "Ancient Proprietors" claimed the right to divide the commons among themselves, and proceeded to lay out a division. The "Inhabitants Proprietors," or tax paying inhabitants, disputed this division and proceeded to lay out the commons to the taxable inhabitants. This soon produced a number of suits in the courts to determine the title. After various decisions, generally in favor of the Ancient Proprietors, a compromise was reached by which the town purchased the rights of the Ancient Proprietors. The land was then distributed, probably, among the taxable inhabitants. MS. Documents in the library of the Conn. Hist. Soc.

[2] In New London the cattle were placed in two herds each with a keeper. Caulkins, Hist. of New London, 82. See also Allen, Hist. of Enfield, I, 328; Steiner, Hist of Guilford, 240.

[3] Col. Rec., I, 351.

[4] Hartford, Town Votes, February 21, 1636.

years, and also obtain the consent of the town before he could sell it.[1]

Coming now to the divisions of land in the towns formed during the eighteenth century. It will be remembered that it was usual during the eighteenth century for the General Court to sell townships instead of freely granting them. These townships, as we have seen, were usually divided into a certain number of "rights," each right entitling the purchaser to an equal share in the land of the township. Thus the basis for the division of land was exclusively investment, not ability or taxable estate, as had been common in the older towns. Naturally this resulted in much greater uniformity in the size of home lots and other holdings. The successive divisions of land followed each other with greater rapidity in the later than in the older towns.[2] The frequent transfer of land holdings was a feature of the land system in the towns of the eighteenth century. Ofter, an entirely new set of proprietors would participate in the third and later divisions of common lands, than had taken part in the first division. Common fields, fences, and herds were much less a feature of the town economy of the later than of the earlier towns. This was due in part to the fact that the colonists had emerged from the primitive conditions of land cultivation, but more largely to the fact that in many of the later towns the proprietors being non-residents or speculators, did not improve their holdings.

[1] Allen, Hist. of Enfield, I, 62. See similar provisions. Caulkins, Hist. of Norwich, 102; Davis, Hist. of Wallingford, 80; Cothren, Hist. of Ancient Woodbury, 40.

[2] There were twelve divisions in Canaan, eight of them in the first seven years after the settlement of the town. In Norfolk there were eight divisions, in New Hartford five, in Kent ten and New Milford fourteen, most of them at short intervals. MS. Prop. Rec. of Canaan, Norfolk and New Hartford; Atwater, Hist. of Kent, 17; Orcutt, Hist. of New Milford, 13.

CHAPTER IV.

Military Affairs.

The organization and administration of the militia was one of the many functions of the Legislature. Prior to the formation of the Fundamental Orders, the Massachusetts committee had assumed as full control over military as over civil affairs. Watches were ordered, the possession of arms and ammunition was required, and regular trainings were instituted.[1] The "Courte" which displaced the Commission, likewise exercised full sway in military affairs. Its first act was to declare "an offensiue war" against the Pequot Indians.[2] The "Fundamental Orders" did not specify the regulation of military affairs as one of the functions of the General Court, but it was comprehended under the general grant of power "to make laws and repeal them." The terms of the charter were more specific in dealing with this subject. It was stated that the "Chief Commanders, Governors and Officers" of the colony could assemble "in Warlike posture" the inhabitants; appoint and commission officers to command them; repel invasion by sea and land, and declare martial law when occasion should require.[3] It will be noted that a strict interpretation of these provisions would place the control of the militia in the hands of the executive, and such it would be reasonable to suppose was the intention of the authorities in England. In the colony no such meaning was placed upon the words, and the power

[1] Col. Rec., I, 2, 3, 4.
[2] *Ibid.*, I, 9.
[3] *Ibid.*, II, 9.

of the Legislature in the administration of military affairs was in no respect lessened.

In times of actual conflict, the General Court found it necessary to delegate its powers of military administration to special committees or "Councils of War." The first mention of such a body was in 1663, when the General Court, in anticipation of trouble with the Dutch at New York, appointed a committee to act "in all necessary concernments, both military and civil," in the interval of the General Court. In strictness this was not distinctly a "Council of War."[1] Again in 1665 the General Court appointed a committee, in anticipation of a Dutch invasion,[2] to order the militia in the interval of the court. The following year a similar committee was appointed. These were called "Committees of the Militia," and there appears to have been at least one such committee in each country.[3] The threatened invasion did not materialize, and it does not appear that the committees were called upon to perform any important duties. In 1673, once more in anticipation of war with the Dutch, the first distinct "Councell of Warr" was created. It was composed of the Governor or Deputy Governor, and assistants, with five military officers. It was empowered to establish and commission officers, proclaim martial law, and to organize and direct the contemplated expedition to Long Island.[4] During Philip's war, the Council of War seems to have been merged in the Governor's Council, which took an active part in directing the

[1] For the sake of clearness it might be well to note again the distinction between the Governor's Council and the Council of War. Both might and did exist at the same time. The latter was created only in times of danger and had purely military powers, while the former existed in both peace and war and might exercise both military and civil powers. Col. Rec., IV, 442.

[2] This was the threatened invasion of De Ruyter. Smith, Hist. of New York, I, 37.

[3] Col. Rec., II, 21, 44, 69, 182.

[4] *Ibid.*, II, 219, 220.

military operations during that struggle. This was true also during the first of the intercolonial wars.[1] At the opening of the second intercolonial war, however, a distinct Council of War again appears.[2] In 1704 were created County "Committees of Safety" which were empowered to "consult, advise, direct and comand in all affairs proper for a comittee of saftie in time of warre." These committees appear to have looked to the particular defence of the county frontier.[3] During the third and fourth intercolonial wars, both the general and county councils continue as a feature of the military administration.[4]

While the powers conferred upon the various committees or councils were broad, they were always under the control and direction of the General Court. The latter, when in session, was constantly active in disposing and directing the military forces, and issuing orders to the Council of War.[5]

In connection with the control and direction of the colonial militia, an interesting and important controversy arose toward the end of the seventeenth century, which continued at intervals throughout the colonial period. As will be seen, the wars in which the colony was involved during the first fifty years of its history, were merely local Indian struggles, which, at most, required only the combined activity of the New England colonies. With these wars the authorities in England were not immediately concerned. No aid was received from the mother country,

[1] *Ibid.*, II, 261, 270, etc.; IV, 6, 14, 18, etc.

[2] *Ibid.*, IV, 442, 458.

[3] In appointing the Committee of War for Hartford Co., the General Court stated that it should have power to send out what soldiers were needful, not exceeding sixty except in case of invasion, to defend the frontiers and to appoint officers for such soldiers. Col. Rec., V, 33.

[4] *Ibid.*, IX, 30, 75; X, 319, 334.

Ibid., IV, 349; V, 85; IX, 71.

and no attempt was made by the home government to direct the military affairs of the colonies, either by an appointment of a commander-in-chief or by the dispatch of instructions. The colonists were left alone to work out their own salvation. With the advent of the intercolonial wars in the last decade of the seventeenth century, however, a wholly different condition of affairs appeared. These wars were much more than purely local struggles affecting New England. Besides being on a much larger scale than any of the previous wars, they were destined to decide the colonial supremacy of two of the leading European nations. In these wars the authorities in England took an immediate and active interest. At the outset it became apparent that any efficient military activities requiring long and continued service would be impracticable, if not impossible, under the system of divided authority which obtained in the colonies, and particularly in the corporate colonies of New England, where there were no royal officials to carry out the orders of the home government. With a view to obtaining some measure of coöperation among these colonies, at the opening of the first intercolonial war Governor Fletcher, of New York, and Governor Phips, of Massachusetts, were authorized to command the militia of Connecticut.[1] Phips did not seek to enforce this part of his commission, and it was soon withdrawn.[2] Fletcher was more persevering. He arrived in New York in 1692, and came to Hartford in October of the following year, to publish his commission. The demand of Fletcher was submitted to the General Court

[1] Trumbull, *op. cit.*, I, Appendix XXV; R. I. Col. Rec., III, 296; Documents Relating to the Colonial History of N. Y., III, 827.

[2] Phips wrote to the Governor of Connecticut acquainting him with his commission, and the Court answered, that having received no commands from his Majesty concerning the matter, they would maintain their chartered rights. Col. Rec., IV, 77; MS. Rec. War, II, 158, 159, 162.

then in session, which body replied, "that finding in your Excellencies Commission no Express, Superseding of the Commission of the Militia in our Charter . . . we cannot but conceive it our duty . . . to continue the militia as formerly; till by our Agent now sent for in England, we shall receive further Orders from Their Majesties,"[1] The determined stand taken by the colonists caused Fletcher to attempt to conciliate them. He offered to place the command of the militia under Governor Treat, and further stated that "he has neither the power or intention to invade any of their civil rights," but added that "I may assure you that I will not set a foot out of the colony till I see an obedience paid to this commission by all such as are loyal subjects of his majesty, and will distinguish the rest."[2] There is a more than doubtful tradition related by Trumbull of the strenuous manner in which Fletcher was treated.[3] However, the Colonel reached the conclusion that it would be useless to force the matter further, and he returned to New York without having accomplished his object.

In the meantime Fitz John Winthrop had gone to England to petition the King to allow Connecticut to retain control of her militia.[4] Within a few weeks the Privy Council, on advice of the Lords of Trade, limited Fletcher's right over the Connecticut troops to the extent of including in his command, 120 men to be furnished by Connecticut "at all times during the war."[5]

[1] Col. Rec., IV, 113.

[2] *Ibid.*, IV, 114.

[3] Trumbull, I, 393. Compare Palfrey, Hist. of New England, 226 note; Doc. Rel. to the Col. Hist. of N. Y., IV, 69 et seq.; Calendar of State Papers, America, 1693–1696, particularly Col. Bayard's account of Fletcher's proceedings at Hartford.

[4] Calendar of State Papers, *ibid.*, 277; Doc. Rel. to the Col. Hist. of N. Y., IV, 102; Mass. Hist. Soc. Colls., 5th Series, VIII, 327, 330.

[5] Calendar of State Papers, *ibid.*, 283; Mass. Hist. Soc. Colls., 5th Series, IX, 176; Doc. Rel. to the Col. Hist. of N. Y., 103 et seq.

Lord Bellomont's commission,[1] like those of Phips and Fletcher, included the command of the Connecticut militia, but he made no attempt to enforce this part of his commission. In most, if not all, the commissions of the succeeding Governors of New York, a clause was inserted vesting in them the command of the Connecticut militia. Usually the Governors made no attempt to enforce this power. Occasionally, however, the matter was brought to the attention of the Connecticut officials. Lord Cornbury, in a letter to the Board of Trade, asked for a commission to nominate the militia officers of Connecticut, and also suggested that an act of Parliament be passed for regulating the militia in all the colonies.[2] Neither of these suggestions was acted upon by the home government. Governor Burnet, in 1722, seems to have sent a demand for the command of the militia, but with no apparent result.[3] As late as 1766 we find Governor Moore, of New York, attempting to enforce this part of his commission, only to meet with as little success as his predecessors.[4]

The possession of arms and ammunition by all adult males, and, with some exceptions, universal military service lay at the basis of the militia system of the colony.[5]

[1] New Hampshire Prov. Papers, II, 343. Doc. Rel. to the Col. Hist. of N. Y., IV, 261.

[2] Doc. Rel. to the Col. Hist. of N. Y., IV, 884, 912; V, 60.

[3] Col. Rec., VI, 334; MS. Rec. War, III, 177.

[4] Doc. Rel. to the Col. Hist. of N. Y., VII, 818, 819.

[5] At first all male persons between the ages of sixteen and sixty, except Commissioners and church officers, were required to train. The following exemptions were later made. Deputies to the General Court during their term of service, constant seafaring men, Indians and negro servants, assistants, clerks of the trained-bands, transient persons, persons over fifty-five years of age (later fifty years), allowed attorneys, the rector and students of Yale college, justices of the peace, masters of art, allowed physicians and surgeons, schoolmasters, one miller for each grist mill, constant herdsmen, sheriffs, constables, constant ferrymen, lame or other disabled persons. Col. Rec., I, 15, 62, 316, 349, 350; II, 229; III, 83; V, 83; VII, 344; VIII, 36, 379.

During the early years of the colony's history, the expense of furnishing arms and ammunition to the militia fell upon the individual or the locality where he resided.[1] Large numbers of enactments might be cited, which aimed to enforce the possession of arms and ammunition in the various towns. With the advent of the larger military activities of the latter part of the seventeenth and eighteenth centuries, the duty of supplying of arms and ammunition became more and more a function of the colonial authorities.

The earliest and throughout the most important branch of the militia was the "trained bands" or infantry companies. At first all persons in a town, liable for military service, were formed into the "trained band" of the town. With the increase in population, the militia in the larger towns was divided into two or more companies.[2] There appeared to be considerable pride, possibly some jealousy, concerning the precedence of the "trained bands" of the different towns. In 1662 the General Court ordered that the Hartford "trained band" should have the "prehemenence" of all the companies in the colony; followed by the companies of Windsor, Wethersfield and Farmington in the order named.[3] In 1674 it was provided that the trained bands of the county towns should rank first in the county, except where the Major should

[1] At first every person liable to military service was required to have a musket, bandoleers, two pounds of powder and one hundred and twenty bullets. Col. Rec. 1, 3, 15, 542. The match-lock and pike, which were the weapons in common use at first, had almost disappeared by the end of the seventeenth century, being displaced by the fire-lock musket, carbines and pistols. Osgood, *op. cit.*, I; Col. Rec., VIII, 379.

[2] The trained-band, eventually, came to consist of sixty-four men besides officers. If there was more than one company in a town they were often called the East Company, West Company, etc. Col. Rec., VIII, 381; MS. Rec. Militia, I, passim.

[3] Col. Rec., 1, 390.

have a "peculyer" company, in which case it should lead at all general musters.[1]

The first mention of troopers in Connecticut was in 1657, when the Court authorized the listing of such as desired to form a troop of horse. The following year some thirty-seven names of persons living in the three towns of Hartford, Windsor and Wethersfield, were presented to the Court and confirmed as troopers.[2] There was no considerable increase in the number of troopers during the seventeenth century. In 1680 there were but sixty in the whole colony, although it was stated that plans had been formed for raising three more troops of forty men each, one in each county.[3] By the general act reorganizing the militia, adopted in 1739, it was provided that there should be a troop of not more than sixty-four men, including officers, attached to each of the thirteen regiments into which the militia was divided. Besides the regular troopers, mention is made of dragoons. These appear to have been certain picked men mounted for special service in times of danger.[4]

As early as 1642 we find the General Court providing an "Artillary Yard" where the artillery company should train. The records are silent as to the character and size of this body, and it probably soon disappeared as a separate organization.[5]

[1] Col. Rec., II, 238.

[2] *Ibid.*, I, 299, 309. In New Haven there had been one small troop of horse which seems to have disappeared after the union with the River Towns. N. H. Col. Rec., II, 173, 218, 302, etc. The equipment of a trooper consisted of a horse, saddle, bridle, holsters, carbine, belt and swivel, a case of pistols, a sword or cutlass, flask or cartridge-box, one pound of powder, twenty flints, a pair of boots and spurs. Col. Rec., VIII, 380.

[3] Col. Rec., III, 295; MS. Rec. Foreign Correspondence, I, 19.

[4] Col. Rec., II, 267; IV, 19.

[5] Col. Rec., I, 71. In New Haven there had been an auxiliary company of artillery which probably disappeared after the union. Levermore, The Republic of New Haven, *J. H. U. S.*, VI, 56.

The officers of the trained bands and troops were chosen by the members of the company or troop, and confirmed by the General Court.[1] Some special mention needs to be made of the duties of the clerk. He it was that called the roll of the company on training days, noted any defects in arms and ammunition, and distrained fines for any defects. He was required to keep a list of the soldiers and officers in his company, and report the same to the chief county officer, and later to the chief regimental officer.[2]

During the seventeenth century, the militia of Connecticut was not distinctly regimented. Just before the opening of King Philip's War, however, the trained bands in each county were combined for purposes of general training, and the combined forces were spoken of as "regiments." These general trainings were under the direction of Majors, who were, practically, regimental officers.[3]

During the Andros regime no material change was made in the organization of the militia, except that Andros assumed supreme command of all the military forces. For some reason not apparent, there seemed to be a prejudice against any reorganization of the militia which would disturb the time-honored trained bands of the towns. Possibly it was local pride or jealousy which blocked the way to a more efficient organization of the colonial militia. All explanations must, however, be largely conjectures, for the records throw no light on the matter.

[1] Col. Rec., I, 151. The officers of an infantry company were, usually, a captain, lieutenant, ensign, one or more sergeants and corporals, and a clerk. The officers of a troop were a captain, lieutenant, ensign, cornet, quartermaster, sergeants, corporals, and a clerk. Col. Rec., VIII, 381–383.

[2] *Ibid.*, I, 542; V, 165; VIII, 379.

[3] Col. Rec., II, 238. There appeared also the Sergeant Majors, who occupied the position of Lieutenant Colonel. Col. Rec., III, 61; IV, 51; Conn. Hist. Soc. Colls., IV, 357.

In 1722 the question of the appointment of Colonels and Lieutenant Colonels in the different counties was considered by the General Court. The matter was however laid over until the following session, when no further action seems to have been taken.[1] Between 1722 and 1727 a number of attempts were made to regiment the militia, but they were usually defeated in the Upper House.[2] Again in 1735 a definite plan for dividing the militia into thirteen regiments, proposed by a joint committee of the two houses, was voted down in both houses.[3] It was not until the threatened outbreak of the third intercolonial war (1739) that the act reorganizing the militia system was adopted by the General Court.[4] This act provided that the Governor should be Captain General, and the Deputy Governor, Lieutenant General of all the military forces of the colony. The militia was divided into thirteen regiments, each commanded by a Colonel, Lieutenant Colonel and Major, appointed by the Assembly, and commissioned by the Governor. To each regiment was to be attached a troop of horse not exceeding sixty-four men and officers.

With the increase in population, and the settlement of new towns, additional regiments were formed. In 1767 the fourteenth regiment was organized, in 1769 the fifteenth, in 1771 the sixteenth, and in 1774 the seventeenth, eighteenth, nineteenth, twentieth, twenty-first and twenty-second.[5]

The duty of supplying arms and ammunition to the soldiers, in times of war, devolved upon the Treasurer.[6]

[1] Col. Rec., VI, 335, 361.
[2] MS. Rec. Militia, I, 202, 210, 303, 349, 362.
[3] Col. Rec., VIII, 277 note.
[4] *Ibid.*, VIII, 277.
[5] *Ibid.*, XII, 607; XIII, 238, 512; XIV, 261, 328.
[6] *Ibid.*, II, 464; IV, 349; V, 85; IX, 71.

The same officer generally performed the duty of Commissary General in distributing food to the soldiers.[1] It was customary for the General Court to appoint special commissaries, or a committee of commissaries for each expedition.[2]

The colonial militia, organized in the manner indicated, was subject to frequent training, particularly during the early years of the colony's history. Soon after the settlement of the colony, it was provided that the train bands should be exercised once a month; unskillful persons oftener.[3] This was found to place too great a burden on the inhabitants, and the number of days was reduced to ten in a year, then to six, and finally to four.[4] In addition to the company trainings, general trainings of all the militia, and later regimental trainings were provided for.[5] Absence from trainings, defects in arms and ammunition, disobedience of orders, and other breaches of discipline, were punished by the infliction of fines, or severer forms of punishment.[6] The system of watching and warding which in time of peace was an adjunct of the police force, became in time of danger, an important part of the military organization. The watch was maintained during the night, and if need be during the day also. It

[1] *Ibid.*, II, 453, 506; X, 445.

[2] *Ibid.*, IV, 458; VIII, 324; IX, 89; XI, 124; MS. Rec. War, IV, 68, 71, etc.

[3] Col. Rec., I, 4.

[4] *Ibid.*, I, 15, 30; IV, 250. In 1761 the number of trainings was reduced to two days a year, but three years later the old law was reëstablished. Col. Rec., XII, 248, 607. In anticipation of the Revolution twelve half-day trainings yearly were provided. *Ibid.*, XIV, 32.

[5] In 1644 it was provided that there should be a general training of all the militia once in two years. For the purpose of such general trainings the militia was organized by counties. In the act regimenting the militia it was ordered that there should be regimental trainings once in four years. Col. Rec., I, 266; II, 238; VIII, 384.

[6] For a detailed and interesting list of such punishments see Col. Rec., II, 292.

was the duty of the watch to look out for any sudden attack by the Indians, or other enemies, and in case of danger to give the alarm by a prearranged signal.[1]

The question of providing permanent fortifications for the coast towns of the colony, had early been considered by the colony officials. The first of the coast towns to be fortified was Saybrook. Some rude works had early been constructed there, to keep it from falling into the hands of the Dutch.[2] In 1644 Connecticut purchased the town and fortification from George Fenwick, one of the Warwick patentees. The other fort mentioned in the records during the seventeenth century, was that at New London. This first comes into prominence at the opening of the first intercolonial war.[3]

Wood entered largely into the building of the forts. With mud or earth embankments, and little or no masonry, the forts were anything but substantial in character. At best the appellation fort was a misnomer, and usually they were allowed to fall into a sad state of decay. The following report of a committee appointed in 1693 to investigate the condition of the fort at Saybrook, is probably not an overdrawn picture of the general dilapidated condition of the colony's defences.

"Wee find that such are the Ruinous decayes of ye said ffort, that the small matter of charge by your honour proposed will bee all togither insignificant and worth less both to their Majesties and this Colonye's Interest, the

[1] In the act settling the militia enacted by Andros, it was provided that in case of an alarm, four muskets or small arms should be discharged, or one "great gun" fired, accompanied by the beating of a drum. Col. Rec., III, 432. Compare Levermore, *op. cit.*, 51; Steiner, Hist. of Guilford, 417; Col. Rec., I, 2, 560; IV, 18; VIII, 387.

[2] In 1633 the Dutch from Manhattan sailed up the Connecticut River and erected a block house on the present site of Hartford. Trumbull, I; Morgan, Conn. as a Colony and a State, I, 84.

[3] Col. Rec., IV, 19, 48, 73, etc.

Gates are all down but one, and one of them gone, both Wood and iron therrof ye hooks of ye greate Gate stole; most of ye Iron of one of ye Cariages with all the iron of another, taken away; the Platformes all Rotten and unservisable; part of ye stone wall yt supports the mount fallen down, most of the mud wall decayed, with the Palasados agt itt; about Four Rodd of plank Wall on the north that never was done, and Lyes open, the Jack, Jack staff and Piller to be repaired with new, most of ye great shott pilfered and gone, and according to our favourable judgmt doe Compute ye Charge, to be noe less than Fifty pounds to put itt in a defensiue posture, all which etc.''[1]

Little or no improvement was made in either of the two principal forts during the eighteenth century. In 1709 both the forts at New London and Saybrook were in an advanced state of decay.[2] In 1728 the General Court appointed a committee to inspect the fort at New London to see whether it was advisable to repair the old fort or build a new one, but nothing seems to have been accomplished.[3] During the long interval of peace between the second and third intercolonial wars, the defences of the coast towns were almost completely neglected. With the outbreak of hostilities, the colonists were once more aroused over the defenceless condition of their ports. A large number of petitions were sent to the General Court, requesting aid in repairing the fortifications.[4] In a petition of the inhabitants of New London, it was stated ''That ye Town and Port of New London is in a very naked and defenceless Condition . . . Convincing us that we Live Carelessly without walls or Strongholds, or other de-

[1] MS. Rec. War, II, 184.
[2] *Ibid.*, III, 72, 73.
[3] Col. Rec., VII, 216.
[4] MS. Rec. War, IV, 1–51.

fence under Heaven, and are unworthy the Care of Providence without the exercise of prudent Endeavours for the Safety of our Lives and fortune."[1] In answer to these petitions the General Court ordered the purchase of some cannon to be placed in the New London fort.[2]

In 1756 Governor Fitch reported to the Board of Trade that the only fort in the colony was a "small battery" at New London, containing nine guns, three unfit for use; twenty-two carriage guns, and twelve swivel guns taken from the colony sloop. No mention is made of Saybrook, probably because it had fallen into such bad condition that it had been abandoned as a fort.[3]

In the interior towns, particularly in the more remote and exposed settlements, certain selected houses were "fortified." The fortification usually consisted of a log wall built a short distance from the house, all around it. The wall was carried up ten or twelve feet in height, with such openings as were necessary for discharging muskets. In times of danger the inhabitants would repair to the fortified houses at night, returning to their homes during the day.[4] This method of interior defence was quite general during King Philip's war. Fortified houses also appear during the first and second intercolonial wars, especially in the frontier towns. During the last two intercolonial wars, in which there was little fear of the Connecticut towns suffering, the fortification of houses seldom appeared.[5]

[1] Conn. Hist. Soc. Colls., V, 219 et seq.

[2] Col. Rec., VIII, 71; Conn. Hist. Soc. Colls., V, 337.

[3] Conn. Hist. Soc. Colls., I, 282.

[4] Davis, Hist. of Wallingford, 350; Steiner, Hist. of Guilford, 421; Cothren, Hist. of Ancient Woodbury, 66, 78; Caulkins, Hist. of New London, 183; Bronson, Hist. of Waterbury, 102.

[5] There is a reference to fortified houses in the extreme northwestern township of Salisbury during the third intercolonial war. Col. Rec., IX, 198.

Of a colonial "navy" little need be said, as nothing which could be dignified by that name appeared during the colonial period. During the seventeenth century the only mention of a war vessel was a frigate of ten or twelve guns provided by Connecticut and New Haven in 1653, when there was fear of an attack by the Dutch.[1] Toward the end of the second intercolonial war, Connecticut tried to arrange with Rhode Island to provide a guard ship to protect the coasting trade between Boston and New London. Rhode Island did not see fit to coöperate, and Connecticut provided one alone.[2] At the opening of the third intercolonial war, the General Court ordered that "a strong swift and large" sloop be procured for the defence of the coast. The sloop was built at Middletown and named the *Defence*. It acted as a coast defence ship, capturing at least one French vessel, made a cruise to Cuba in 1741, took part in the capture of Louisburg in 1745, receiving 5,000 pounds as prize money, and was finally disarmed and sold at auction in 1748 for 4,860 pounds.[3] During the last of the colonial wars, a brigantine named the *Tartar* was purchased and fitted up with the guns taken from the *Defence*. This ship was only kept two years when it was sold at auction for 800 pounds.[4] Such was the extent of the colonial navy.

Hardly had the pioneers of Connecticut become settled in their new homes, when "an offensiue warr" was declared against the Pequot Indians. This tribe inhabited the southeastern part of the colony in what is now New London County. They were the most numerous and warlike of the native tribes of Connecticut.[5] The preliminary

[1] New Haven Col. Rec., II, 14; Trumbull, I, 213.

[2] Col. Rec., V, 207, 306.

[3] Col. Rec., IX, 355, 411; Conn. Hist. Soc. Colls., V, 356.

[4] Col. Rec., XI, 62, 295; MS. Rec. War, VII, 191; VIII, 239.

[5] The best estimate of their fighting strength is about six hundred warriors. De Forrest, Hist. of the Indians of Connecticut, 58.

events leading up to the struggle might be briefly noted. One Capt. Stone, in 1633, had come from Virginia to trade on the New England coast. After a short stay in Massachusetts he sailed with a Capt. Norton to the Connecticut River. The Indians appearing friendly, were allowed to board the ship. Probably the too free dispensation of "fire water" led to the massacre of the Captain while in a drunken stupor, and a fight between the Indians and the rest of the crew. In the midst of the "melee" the vessel was blown up by a quantity of powder being ignited.[1] Difficulties which the Pequots were then in, both with the Dutch and their own dependent tribes, predisposed them to desire peace with the English. Representatives of the Pequots visited Massachusetts in an effort to arrange a treaty with the English. Finally, after telling a plausible story about the murder of Stone, and agreeing to surrender the murderers, an agreement was made and signed by which the English agreed to make settlements in the Pequot country and send vessels to trade with the natives.[2] The latter agreed to pay to the English 400 fathoms of wampum, 30 otter and 40 beaver skins. Neither party to the treaty fulfilled its conditions. Trouble was precipitated by the murder of one John Oldham, a trader, by the Indians on Block Island.[3] The Pequots were accused of harboring the murderers of Oldham. An expedition was fitted out under John Endicott which first proceeded to Block Island, where nothing further was accomplished than the destruction of some Indian wigwams and corn fields.[4] Proceeding then to the Pequot country they touched at Saybrook, where they were joined by Lieut. Gardiner in command of

[1] Winthrop, Hist. of New England, I, 123; De Forest, *op. cit.*, 77.
[2] Winthrop, *op. cit.*, 147–149.
[3] Winthrop, I, 189; Trumbull, I, 71.
[4] Mass. Hist. Colls., 4th Series, VI, 5, 6. Winthrop, *op. cit.*, I, 192–194.

the garrison at that point. The Indians did not suspect the cause of the Englishmen's visit, and no opposition was made to their landing. Endicott made his demands known, which, naturally, were refused by the natives. In the resulting struggle about all that was accomplished was the destruction of the Indian wigwams and corn, and the arousal of the thirst for vengeance in the Indians.[1] The Pequots resolved to form an alliance with their old enemies the Narragansetts, and sent two sachems to the latter tribe for that purpose.[2] Their plans were forestalled by the Massachusetts colony arranging a treaty of alliance with the Narragansetts through the influence of Roger Williams.[3]

The Pequots having failed in their design to bring about a general Indian war, turned their attention to making reprisals upon the nearest English settlement, the garrison at Saybrook. Here a succession of raids were made, several stragglers from the fort killed, outhouses and crops destroyed, and the garrison kept in virtual state of siege [4] Early in 1637 the Indians made their appearance further up the Connecticut, and killed and captured several of the inhabitants of Wethersfield.[5] Following these disasters the General Court declared war, and ordered the raising of a force of 90 men, under the command of Major Mason.[6] Massachusetts and Plymouth had agreed to send aid, the former raising 200 men and the latter 40 men.[7] The Connecticut troops were joined by about 70 Indians under the Mohegan sachem Uncas.

[1] Mass. Hist. Soc. Colls., 4th Series, III, 141; *Ibid.*, 4th Series, VI, 10.

[2] Hubbard, Narrative of the Indian Wars, 29.

[3] R. I. Hist. Soc. Colls., III, 160; Winthrop, *op. cit.*, I, 198.

Mass. Hist. Soc. Colls., 4th Ser., III, 142 et seq.; *ibid.*, 4th Ser., VI, 15 et seq.; Trumbull, I, 72 et seq.

[5] Trumbull, I, 77; Winthrop, I, 218; Mass. Hist. Colls, 2d Ser., IV, 30.

[6] Col. Rec., I, 9.

[7] Winthrop, I, 222.

Mason with his small band sailed down the Connecticut and thence proceeded along the coast, passing the Pequot country, and landing among the Narragansetts. Having received permission from the latter to march through their territory in order to attack the Pequots from the rear, he proceeded without waiting for the Massachusetts contingent which had been dispatched overland. On the march he was joined by some of the Narragansett Indians. Having reached the Pequot country, it was learned that the natives had two "fortified" places. One of the "forts" near Groton was attacked before daybreak, taking the Indians by surprise and throwing them into confusion. The order was finally given to fire the palisade, and most of the Indians perished miserably in the flames.[1] Mason and the Connecticut contingent returned to their ships, and sailed home. The Massachusetts forces under Capt. Patrick, which had come from Narragansett with the fleet, proceeded overland to Saybrook.

The remnant of the Pequots determined to abandon their old homes and seek refuge towards the west. The colonists determined to pursue and exterminate them. Massachusetts voted to raise a force of 120 men under the command of Capt. Israel Stoughton.[2] This force landed at the mouth of the Pequot River, surrounded a swamp in which were concealed a party of Pequots, killed the warriors and sold the women and children as slaves. Proceeding westward they were joined by a Connecticut force under Mason. The Pequots were driven westward and finally surrounded in a swamp near Fairfield. Sassacus, the leader of the Pequots, escaped westward, where

[1] The number of persons that were killed has been estimated variously at from three to seven hundred. De Forest, *op. cit.*, 133. For full accounts of this campaign see Mason, Hist. of the Pequot War Mass. Hist. Soc. Colls., 2d Ser., VIII, 133 et seq. De Forest, *op. cit.*, 119 et seq.

[2] Winthrop, I, 232.

he was afterward killed by the Mohawks. The remainder were either killed or captured and the most powerful of the tribes of Connecticut Indians was thus completely crushed. Some of the captives were sold as slaves, others were distributed among the Mohegan and Narragansett tribes.[1]

This war, if it can be dignified by that name, had made certain facts apparent. The Indians with their primitive weapons, were no match for the Englishmen with fire arms. Furthermore the settlers had learned that one tribe of natives could be used to annihilate another. The Indians had not come to look upon the whites as a common enemy to their race. Before the final struggle between the settlers and the Indians of southern New England occurred, the conditions had decidedly changed to the disadvantage of the whites. Through the cupidity of some of the colonists, the Indians gradually became supplied with fire arms. Furthermore the natives had learned, in a measure, by bitter experience, the necessity of presenting a united front against their common foe. It was under these changed conditions that the last, and by far the greatest, struggle between the natives and the whites in southern New England, took place. This was the so-called King Philip's War.

Before discussing this final struggle some mention needs to be made of the Indian troubles from the close of the Pequot War, to the opening of Philip's War. Some of the wandering Pequots had found their way back to their old lands, and had built a village. This was contrary to treaty agreement, and the General Court dispatched a force of 40 soldiers under Major Mason, to break up the village, and disperse the Indians.[2] The

[1] Mason, *op. cit.*, 145 et seq.; Hubbard, *op. cit.*, 42 et seq.; Winthrop, I, 232 et seq.

[2] Col. Rec., I, 32.

band was broken up and the village destroyed with little difficulty.[1] The colonists were kept almost in constant turmoil and strife with various tribes, as a result of taking Uncas and the Mohegans under their protection. Other tribes were envious of the increased influence and power of Uncas. Among these were the Connecticut River Indians under Sequassen, and the Narragansetts with Miantinomo at their head. Uncas first clashed with Sequassen, resulting in the defeat of the latter, the death of several of his warriors, and the burning of their wigwams.[2] This precipitated a war between Uncas and the Narrangansetts. The colonists held aloof from this struggle, allowing the Indians to settle their differences in their own way. By a piece of strategem on the part of the wily Uncas, the Narragansetts were defeated and their leader captured.[3] Carrying his captive in triumph to Hartford, Uncas laid before the Magistrates the question of the final disposal of the prisoner. It was decided to refer the matter to the next meeting of Commissioners of the United Colonies. This body decided that Miantonomo should be killed. He was handed over to Uncas, and a deputation of two Englishmen was appointed to accompany the party to see that the execution was done in a decent manner.[4]

The eastern settlements of Connecticut became involved in the struggle between the Dutch at New Netherlands, and the Hudson River Indians.[5] The Dutch enlisted the services of the famous Indian fighter Capt.

[1] Mason, *op. cit.*, 149–151.

[2] Winthrop, II, 130; De Forest, 187.

[3] Trumbull, I, 129 et seq.; Winthrop, II, 131 et seq.

[4] Trumbull, I, 133; Winthrop, II, 134.

[5] This was the struggle precipitated by the foolhardy action of Gov. Kieft in murdering the Indians that had taken refuge on Manhattan Island. Brodhead, Hist. of N. Y., I, 350 et seq.

Underhill, who brought the struggle to a close by the overwhelming defeat of the Indians near Stamford.

Trouble between the Narragansetts and the Mohegans did not end with the death of Miantonomo. Constant attempts were made by the former to avenge the death of their leader. In 1644 the Commissioners of the United Colonies, summoned representatives of both parties before them, to arrange some sort of accommodation. A truce was agreed to for one year, and a promise made that thirty days' notice of hostilities would be given to the Governor of Massachusetts.[1] This agreement was not kept. The Narragansetts joined by the Nehantics laid waste the territory of the Mohegans. It was not until the Narragansetts were threatened with the same treatment that had been given the Pequots that they were brought to terms.[2] In 1654 trouble broke out between the colonists and the Nehantics, growing out of the war of the latter with the Long Island Indians. A force of English sent down into the Nehantic country, was sufficient to bring the Indians to terms.[3] From this time on until the outbreak of Philip's War, except for the almost constant conflicts of Uncas with various Indian tribes, which were usually settled by threatened or actual interference of the English, the settlers were not engaged in any strife with the natives.

All the conflicts which have been briefly outlined, were but slight skirmishes or preliminaries to the great struggle which opened in 1675, and continued almost incessantly for more than a year. It is not proposed to give a detailed account of this celebrated contest, but only to briefly outline the part taken in it by Connecticut.

[1] Hazard, 25, 26.

[2] *Ibid.*, II, 28–44; Caulkins, Hist. of New London, 23–26.

[3] Hazard, II, 308–381.

This struggle presents several new considerations. First, the Indians, as has been noted, had become well supplied with firearms, and had learned, in a measure, to combine for mutual protection against the whites. Then again, this struggle, viewed in a broader light, was significant. It was the one great Indian War of the seventeenth century, which tested the combined efforts of the New England colonies. Here became apparent the inherent difficulties of carrying on a warfare requiring the combined efforts of the several colonies. New England individualism never appeared to less advantage than in carrying on extensive military operations. It is an axiom of military science that divided authority is fatal to effective warfare. In no function of administration is centralization so essential as in the direction of military forces in time of war. In New England there was no central authority, outside the vague control exercised by the commissioners of the New England Confederacy. Under these circumstances effective campaigning was seriously handicapped. There were bound to be local jealousies and differences of opinion as to the manner in which operations should be conducted. With all the possibilities for friction and disagreement, the wonder is that there should have been as effective coöperation as appeared. The common danger to all parties concerned probably is accountable for this fact. It was not until the larger military operations of the eighteenth century, when the danger was no longer equally distributed, that the fatal weakness of the New England system became fully apparent.

At the beginning Philip's war was a local struggle around Mt. Hope peninsula in the Plymouth colony. Massachusetts came to the aid of Plymouth. Philip was forced to cross to the eastern shore of Narragansett Bay,

and take refuge in a swamp.[1] The Massachusetts troops then proceeded down into the Narragansett country to force that considerable tribe to agree to a treaty with the English. The only effect of this manoeuvre was to ensure the hostility of the Narragansetts, who up to that time had not given clear evidences of joining Philip.

Philip, who had taken refuge in the swamp, made good his escape and proceeded into central Massachusetts. Joined by the Indians in this section, the war now assumed more serious proportions, and its spread to the Connecticut valley opened the phase of the struggle in which Connecticut was most immediately concerned. The Massachusetts towns in the Connecticut valley were logically an extension of the northern border of Connecticut rather than of the western border of Massachusetts. Between these towns and the true western frontier of Massachusetts was a tract fifty miles wide of uninhabited country. News of an attack upon Quaboag (Brookfield) moved the Council of Connecticut to dispatch forty men to Springfield to aid the Massachusetts towns. To these were added several bands of Pequots and Mohegan Indians, who remained faithful to the English throughout the struggle.[2] In August, in anticipation of a raid by the Indians in the northern Connecticut Valley, the Council ordered the dragoons and other forces which had been raised under Major Treat to proceed northward.[3]

A good instance of the lack of any general plan of campaign or effective coöperation was shown at the outset. Major Treat had hardly started on his march when he was recalled to search for some Indians that were seen lurking about Hartford.[4] In the meantime, an attack had occurred

[1] Osgood, American Colonies, I, 549.
[2] Col. Rec., II, 345, 348.
[3] *Ibid.*, II, 356.
[4] *Ibid.*, II, 359, 360.

on Deerfield, and Treat was ordered northward again. Differences of opinion also arose between the Connecticut and Massachusetts authorities, as to the method of carrying on the campaign. Connecticut objected to having her troops used for garrisoning the Massachusetts towns, and insisted upon more active measures. Upon rumors of a general uprising of Connecticut Indians, Major Treat was again ordered to return to Hartford with a portion of the Connecticut forces. In his absence trouble developed between Lieut. Seely, in command of the Connecticut troops, and Capt. Appleton, of the Massachusetts contingent. Seely refused to take orders from Appleton, referring to Treat as his superior.[1] Upon the return of Treat, the difficulty seems to have been settled.

In November, 1675, the scene of activity was shifted to the Narragansett country. The actions of this tribe gave rise to the conviction that they were not observing the treaty to which they had been forced to agree. A force of 1,000 men, of which Connecticut furnished 315 whites and 150 Mohegans, was dispatched against the Narragansetts. The Indian fort was in a swamp near the present town of North Kingston. After a sanguinary battle the fort was taken by storm and burned.[2] There was much suffering among the soldiers through the severity of the weather and lack of supplies. Some of the soldiers had deserted, and when a fresh levy was called for there was much complaint and some difficulty in obtaining the required quota of 500 men.[3] The resulting midwinter raid into the Narragansett and Nipmuck country accomplished no decisive results.

[1] *Ibid.*, II, 374, 381.

[2] The English lost seventy killed and one hundred and fifty wounded. Of these killed forty were Connecticut men. Bodge; Trumbull, I, 337 et seq.

[3] Col. Rec., II, 394 et seq.; MS. Rec. War, I, 34a.

In the spring of 1676 the Connecticut troops were again employed in the Narragansett country, one of their important achievements being the capture of the Narragansett chief Canonchet. In May a force under Major Talcott, combined with a Massachusetts force, ranged the upper country, but with no material results. In June Major Talcott again left Hartford and made a successful raid through the Narragansett country, capturing and killing some 238 Indians.[1] The backbone of the struggle which was now broken was finally terminated by the dramatic death of Philip.[2]

In the brief summary which has been given of the one important Indian war of the seventeenth century, there are one or two points which need to be emphasized. From the standpoint of administration—and this is the phase of the subject with which we are most immediately concerned—the fundamental weakness of the New England system had become sufficiently manifest. While tolerable unity of action had been maintained, it was accomplished at times with much difficulty. One colony, Rhode Island, had not been asked, and had taken no part in the struggle. The others, and particularly Connecticut, had shown a commendable spirit of individual sacrifice for the common good. But after all has been said the fact remains that, had the struggle been on a more pretentious scale, or had the colonists been confronted by an enemy more nearly their equal, the possibilities of discord which pertained to the system of divided authority would almost inevitably have resulted in disaster for the colonies.

With the last decade of the seventeenth century opened the long series of wars between England and France, all

[1] Col. Rec., II, 458.

[2] Trumbull, I, 367. The struggle continued among the eastern settlements in New Hampshire and Maine until the summer of 1678. Bodge, *op. cit.*, 296–341.

of which were reproduced in the colonies of each country in the New World.

Before considering these different struggles, some general considerations need to be noted. The Indian wars which have been reviewed were contests simply between the English colonists and the natives unaided by any European power. The colonists, moreover, in these wars had been left entirely to their own resources, both as to means and methods. Neither aid nor interference came from England. With the advent of the colonial wars all this was changed. The Indians were now joined by a powerful European nation. On the other hand, the English colonists received aid, and what is of more importance, direction from the home government.[1] The colonists were no longer left to themselves in planning and executing their military operations. They were called upon to take part in campaigns in the conception and management of which they had little to do. They were now for the first time participating in the larger activities of the British Empire. The isolated position in which the colonists, and particularly those of New England, had been left during the greater part of the seventeenth century was, in a measure, changed. There had been developed in England, as will be indicated in another connection, a more uniform colonial policy, involving the closer dependence of the colonies on the mother country. No other colonies were so greatly affected by this change as the corporate colonies of New England. There was a total absence of any imperial official system in these colonies, and, if any such system was to be provided, there must be a material modification of their internal organization. It is not proposed in this connection to trace in detail the development of imperial control, but simply to point out how

[1] As will be seen, the control of colonial military operations by the authorities in England did not become prominent until the second intercolonial war, and was not fully developed until the last intercolonial war.

the intercolonial wars showed the necessity for such control, at least in the department of military administration.

Geographically Connecticut had an advantage over most of the other colonies. On the north and west she was protected by the colonies of Massachusetts and New York. Her southern coast was vulnerable, but, as events proved, there was little to be feared from that quarter. In none of the wars was the territory of the colony invaded or devastated by the enemy. Such part as Connecticut took in the wars was either in defence of her neighboring colonies or in the different offensive campaigns for the reduction of Canada.

In 1689, less than three months after the Prince of Orange had been seated on the English throne, war was declared between England and France. Count Frontenac, who had lately succeeded to the government of Canada, immediately prepared to dispatch raiding parties of French and Indians into New York and New England. In the latter the French were aided by the eastern Indians, who had been at war with the English colonists for the past two years.[1] Leisler, who had assumed the government of New York upon the deposition of Andros, appealed to Connecticut for aid. Connecticut, sympathizing with his cause, dispatched ten men to help garrison the fort at New York and a company of soldiers under Capt. Bull to Albany to guard the frontier.[2] A part of the Connecticut force was at Schenectady when the massacre at that place occurred.[3] Upon receiving news of this calamity, Connecticut sent two hundred reinforcements to Albany.[4]

[1] Palfrey, Hist. of New England, III, 567; IV, 29 et seq. Connecticut came to the aid of Massachusetts in the war with the Eastern Indians with two hundred men. Col. Rec., IV, 2, 3, 4.

[2] Col. Rec., III, 255; Doc. Rel. to the Col. Hist. of N. Y., III, 589. O'Callaghan, Documentary Hist. of N. Y., II, 20, 43.

[3] Connecticut lost five men killed and five captured in this assault. Col. Rec., III, 463.

[4] *Ibid.*, IV, 16, 26.

The most important enterprise during the war in which Connecticut took part was the abortive expedition against Montreal in 1690. This expedition had been planned at a meeting in New York of commissioners from that colony and the colonies of New England.[1] The land force consisted of 800 English and 1,800 Indians, under the command of Fitz John Winthrop. When the Connecticut contingent reached Wood Creek on Lake Champlain, the appointed place of rendezvous, it was found that the Indians had not appeared. Furthermore, the canoes necessary to transport the troops were not on hand and the supplies which New York had engaged to provide were inadequate. Sickness among the troops added to the difficulties. In these circumstances a council of war was called by Winthrop and a retreat was determined upon. Upon the arrival of Winthrop at Albany it appears that Leisler, enraged at the failure of the enterprise, ordered the arrest and court martial of Winthrop. Trumbull states that after being kept in confinement for several days Winthrop was rescued by some Mohawk Indians "to the universal joy of the army."[2] When the news of Winthrop's arrest reach Connecticut the General Court dispatched a letter to Leisler demanding the immediate release of the general.[3] Upon an examination of the case by the Court, Winthrop was fully vindicated.[4]

[1] There appear to have been some Connecticut troops in the naval expedition under Phips which was sent out in conjunction with Winthrop's expedition. Sewall, Letter Book Mass. Hist. Soc. Colls., 6th Ser., I, 126.

[2] Trumbull, I, 384. There seems to be no question that Leisler actually arrested Winthrop. The story of his rescue, however, may have originated in Trumbull's known penchant for the dramatic. See Winthrop's Journal of his march to Wood Creek; Mass. Hist. Soc. Colls., 5th Ser., VIII, 312 et seq. Also Doc. Rel. to the Col. Hist. of N. Y., IV, 193 et seq.; Mass. Hist. Soc. Colls, 5th Ser., VIII, 307 et seq.; *ibid.*, 5th Ser., I, 440; Palfrey, *op. cit.*, IV, 221.

[3] Trumbull, I, Appendix, XXIV.

[4] Col. Rec., IV, 38; O'Callaghan, Doc. Hist. of N. Y., II, 300, gives Leisler's version.

During the remainder of the war Connecticut was almost constantly called upon to furnish aid to her neighboring colonies, and usually the colony responded generously. In 1691 Connecticut declined to send 150 men to garrison Albany on the ground of poverty and the exposed condition of her own frontiers.[1] In 1692 Fletcher arrived as Governor of New York, and the difficulty over the command of the militia of Connecticut, which has been referred to, naturally led to strained relations between him and the colony officials,[2] but Connecticut continued to send aid to New York throughout the war.[3] Contributions of money and supplies, with troops, were likewise sent to Massachusetts.[4] The total expenses of Connecticut in this ten years of war has been estimated at more than 12,000 pounds, nearly all expended for operations outside of her own borders.[5]

In 1701 began the second intercolonial war, better known as Queen Anne's war. The year after the war started Joseph Dudley was appointed Governor of Massachusetts and Lord Cornbury Governor of New York. The relations of Connecticut with these two men were, to say the least, not cordial. In 1703 the colony had sent 100 men to aid Dudley in the war against the eastern Indians.[6] Difficulties almost immediately arose, Dudley insisting that the Connecticut troops while in Massachusetts should be under his orders.[7] Cornbury, on the other hand, was continually complaining of his inability to get aid from Connecticut.[8] The statements of both these men undoubt-

[1] Doc. Rel. to the Col. Hist. of N. Y., III, 786.

[2] Fletcher continually complained of the difficulty of obtaining aid from Connecticut. Doc. Rel. to the Col. Hist. of N. Y., IV, 157, 174, 243.

[3] Col. Rec., IV, 87, 160, 217.

[4] *Ibid.*, IV, 64, 89, 129, 216.

[5] Trumbull, I, 397.

[6] Mass. Hist. Soc. Colls., 6th Ser., III, 139, 153, 163.

[7] *Ibid.*, 6th Ser., III, 273.

[8] Doc. Rel. to the Col. Hist. of N. Y., IV, 1061, 1070.

edly have to be taken with considerable reservation. They were, at the time, engaged in a combined attempt to overthrow the charter of Connecticut, and their representations were unquestionably not disinterested.[1] When, in 1707, Dudley requested aid from Connecticut in a contemplated expedition against Canada the General Court flatly refused, stating that they had not been consulted in planning the expedition, and further that they had been at considerable expense in defending the western frontier of Massachusetts.[2]

In 1709 the English Government for the first time took an active part in the war in America, and, as events proved, it was to be an inglorious beginning. A general plan had been arranged for the subjugation of Canada. Twelve hundred men were to be equipped in Massachusetts and Rhode Island, which force was to attack Quebec. Fifteen hundred men from Connecticut, New York, New Jersey and Pennsylvania were to march against Quebec.[3] To these was to be added a sufficient English fleet. In the colonies everything was prepared. Connecticut's contingent of 350 men was armed and equipped[4] and sent to Wood Creek, the place of rendezvous of the western force. After a long wait for the help promised from England, news was received that the fleet and troops were needed at home. With this intelligence the expedition was abandoned and the forces at Wood Creek, which had

[1] In 1705 through the activity of Dudley and Cornbury a series of complaints had been made against Connecticut and Rhode Island with a view to overthrowing their charters. A bill introduced in Parliament for the purpose of vacating all colonial charters. Through the efforts of Sir Henry Ashurst, the agent of Connecticut, the bill failed to pass the House of Lords. Trumbull, I, 411 et seq.; R. I. Col. Rec., IV, 12, 16; Palfrey, IV, 267 et seq.

[2] Col. Rec., V, 17, 18.

[3] Doc. Rel. to the Col. Hist. of N. Y., V, 72.

[4] Col. Rec., V, 91, 123.

suffered much from an epidemic sickness, retreated. The whole costly expedition had come to nothing.

The following year (1710) the project was renewed. A force under Col. Nicholson, made up of New England troops, with a few small English vessels and a regiment of royal marines, proceeded to Port Royal, which, after a week's siege, was forced to surrender.[1] This success stimulated the authorities in England to greater efforts. In 1711 a fleet of fifteen men of war and forty transports with some five thousand troops, arrived at Boston. The colonists responded generously. A meeting of the Governors and military officers was held at New London to decide on the quota to be furnished by each colony and provide for supplying the expedition with food.[2] Connecticut's quota was fixed at 360 men, which number was promptly raised.[3] As in the previous expeditions, the Connecticut contingent joined the forces in New York for an attack on Montreal. The fleet which left Boston in due season conveying seven thousand troops, while proceeding up the St. Lawrence river, lost its way in a fog and some ten or eleven of the ships were driven on the rocks and nearly 1,000 persons drowned. This disaster caused the withdrawal of the remainder of the fleet and the land force which had gathered near Lake Champlain. Thus the third attempt to subdue Canada had ended in dismal failure.[4] The following year the war was closed by the treaty of Utrecht. During the war Connecticut, besides furnishing her quota of men in the several Canadian expeditions, had almost constantly kept troops in Massachusetts to guard the western frontier.[5]

[1] Palfrey, IV, 277. Connecticut furnished three hundred men in this expedition. Col. Rec., V, 164.

[2] The Journal of this congress is printed in Doc. Rel. to Col. Hist. of N. Y., V, 257.

[3] Col. Rec., V, 247. The Journal says three hundred men.

[4] Palfrey, IV, 278; Trumbull, I, 441 et seq.

[5] Col. Rec., V, 167, 295, 300, 326.

With the cessation of hostilities, there was to be a period of more than twenty-five years of peace between England and France. In the colonies, however, trouble was constantly arising between the English and the eastern Indians, urged on by the French. In 1722, as a result of many depredations by the natives in Maine, the General Court of Massachusetts declared war against the eastern Indians.[1] When applied to for aid in prosecuting the war, Connecticut declined on the ground that "the war was not such an invasion of the frontiers, as was understood by his Majesty in his instructions" to the governor of Massachusetts.[2] The colony agreed, however, to send troops into Hampshire County to protect the frontier towns. Further urgent requests for aid met with no better success, Connecticut maintaining that she had not been consulted before war was declared, and was not satisfied as to its justice.[3] The struggle was finally ended in 1725.[4]

In 1739 war broke out between England and Spain. It was determined to send an expedition to the Spanish West Indies and South American colonies and the New England colonies were called upon to furnish four regiments.[5] The quota for each colony was not fixed, as it was stated that they "would not set bounds to their Zeal for the Service."[6] Of the 1,000 New England troops that joined this ill-fated expedition, two hundred were from Connecticut.[7] The land force, consisting of twelve thousand soldiers under Lord George Cathcart,[8] joined the

[1] Acts and Resolves of Prov. of Mass. Bay, II, 258.

[2] Col. Rec., VI, 335, 336; MS. Rec. War, III, 178–188.

[3] Col. Rec., VI, 503.

[4] Palfrey, IV, 443.

[5] See letter of the Duke of New Castle to Gov. Talcott. Conn. Hist. Soc. Colls., V, 191.

[6] *Ibid.*, V, 230.

[7] Conn. Hist. Soc. Colls., V, 269, 304; Col. Rec., VIII, 324.

[8] He died on the voyage south and was succeeded by Gen. Wentworth.

considerable fleet of Admiral Vernon at Jamaica. After some delay, during which the forces were decimated by the tropical climate, it was determined to lay siege to the Spanish fortress at Cartagena. After an ineffectual siege, characterized by incompetence, if nothing worse, on the part of the commander, the fleet and the remnants of the army returned to Jamaica. Of the New England contingent scarcely one tenth ever returned home.[1]

In 1740 this war became merged in the general European struggle over the Austrian Succession. As was to be expected, England and France took opposite sides in the strife, but it was not until 1744 that war was formally declared between them, and once again the rival colonies in America were engaged in the struggle. Governor Shirley laid before the General Court of Massachusetts a plan for the reduction of the French fortress at Louisburg. The proposal was received with amazement by the Court and voted down as being quite beyond the resources of the colony. The scheme however was received with favor by the people and the General Court finally consented.[2] Aid was sought from the other colonies but only the New England colonies responded; Connecticut with 500 men, and the sloop Defence.[3]

The combined colonial force under Wm. Pepperell of Massachusetts,[4] arrived safely at Canseau within fifty miles of Louisburg. The troops were detained a month waiting for the ice to break up. In April the forces were materially strengthened by the arrival of Commodore

[1] Trumbull, II, 288.

[2] Palfrey, V, 62 et seq.

[3] Col. Rec., IX, 83, 84. The Massachusetts contingent was 3,250 men; Rhode Island promised 300 men but they did not appear until the campaign was over; New Hampshire furnished 300 men and New York contributed ten small guns. New Jersey and Pennsylvania sent some provisions. Palfrey, V, 64.

[4] Roger Walcott of Connecticut was second in command.

Warren with several English men of war. After a siege of seven weeks the fortress was forced to capitulate.[1] The news of the capture naturally caused great rejoicing throughout New England, but this joy was changed to chagrin when it was learned that by the treaty of peace the fortress was given back to the French. The capture of Louisburg raised once more the vision of the subjugation of Canada. The proposal was favorably entertained in England, and help was promised. The colonies voted to raise some 8,000 men, Connecticut's quota being 1,000, but the failure of the English force to arrive, and an alarm from another quarter caused the abandonment of the expedition.[2] Before any further military operations could be planned, the war was closed by the treaty of Aix La Chapelle.

With the advent of the last of the intercolonial wars, an important step was taken by the home government to bring about closer coöperation and greater efficiency among the colonial troops. The previous wars had abundantly shown the weakness of the system of divided responsibility and control which prevailed in the colonies. Some of the colonies had contributed willingly to the cause of general defence, while others had been far less generous. Usually the loyalty of the colonists was in direct proportion to their sense of immediate danger. With a view to remedying these evils the authorities in England determined to place the colonial troops under a commander-in-chief appointed in England and to send to the colonies a considerable force of regular troops.

[1] Palfrey, 70 et seq.; Trumbull, II, 282. Connecticut furnished in all 1,150 men in this enterprise. Col. Rec., IX, 83, 128, 155.

[2] News had reached the colonies of the despatch of a large French fleet to ravage the whole Atlantic coast. This caused the colonists to look to the defence of their coast towns. Nothing came of the expedition, the French fleet meeting with disaster before it reached the New England coast. Palfrey, V, 86.

The plan while sound in principle was unfortunately executed. The first commanders, Braddock, Shirley, Loudoun and Abercrombie, were all incompetent, and their successive failures did not increase the loyalty or efficiency of the colonial troops. But with the accession of Pitt to power in England, leaders of real ability were sent to the America, and the final subjection of Canada was the reward.

The last and most important of the struggles for colonial supremacy in the New World opened in 1754, two years before war broke out between England and France in Europe. Only that phase of the war which immediately concerned New England, and particularly Connecticut, will be touched upon here.

Of the three expeditions planned in 1755, one against Fort Duquesne, one against Niagara, and one against Crown Point, we are immediately concerned with the last. A force of about three thousand men, mostly from Massachusetts and Connecticut, under the command of William Johnson of New York, were dispatched to attack Crown Point. They reached Wood Creek where they were surprised by a French force under Dieskau. The too confident French General attacked the English who were protected by rude intrenchments. After an obstinate conflict the French gave way and were pursued through the woods by the New England men. Johnson, who had been wounded early in the struggle, received full credit for this victory, although the real leader was General Phineas Lyman of Connecticut.[1]

In the winter of 1755 Shirley met the colonial governors at New York,[2] and plans were discussed for the cam-

[1] Connecticut sent 1,500 men in the expedition and later 1,500 reinforcements. The losses of Connecticut in the Battle of Lake George were fifty-nine killed, wounded and missing. Col. Rec., X, 344, 398; Doc. Rel. to the Col. Hist. of N. Y., VI, 1006.

[2] There appeared only the governors of Connecticut, New York, Pennsylvania and Maryland. Palfrey, V, 144.

paigns of the following year. The plans, however, were frustrated by the displacement of Shirley as commander-in-chief, and the appointment of the Earl of Loudoun with Gen. Abercrombie, second in command. This action followed shortly after the declaration of war between England and France. Against these incompetent officers was matched the Marquis de Montcalm who succeeded Dieskau.

Loudoun remained inactive during the year 1756. The following year the plan of campaign was changed. Instead of marching against Crown Point an expedition was fitted out for a descent on Louisburg, but the undertaking utterly failed, Loudoun returning without striking a blow.[1] In the absence of Loudoun, Montcalm made his famous descent upon Fort William Henry, resulting in its capture.[2] The great danger to which the northern colonies were exposed by this disaster required energetic efforts on the part of the colonists to defend their frontiers. No less than twenty thousand troops were raised, of which Connecticut furnished five thousand.[3]

Meanwhile a change in the ministry of England had placed Pitt in power, and with this change a more energetic policy in prosecuting the war was inaugurated. Loudoun was displaced by Abercrombie, who proved to be no more competent than his predecessor. One disastrous, almost humorous, campaign demonstrated the incapacity of this officer,[4] and he was displaced by Sir Jeffrey Amherst, who had but recently effected the capture of Louisburg.[5]

[1] This Connecticut contingent in this abortive expedition was 1,400 men. Col. Rec., X, 598.

[2] Palfrey, V, 152.

[3] Col. Rec., XI, 92. See letter from Pitt Conn. Hist. Soc. Colls., I, 329; Doc. Rel. to the Col. Hist. of N. Y., VII, 329.

[4] Palfrey, V, 160.

[5] *Ibid.*, V, 163.

The campaign of 1759 involved three movements, one under Gen. Prideaux against Fort Niagara, a second under Amherst against Ticonderoga and Crown Point, and a third under Wolfe, directly against Quebec. A Connecticut contingent of five thousand men was with the army of Amherst.[1] With little difficulty Ticonderoga and Crown Point fell into the hands of the English. The force under Amherst was relieved of the necessity of proceeding to Quebec, having received intelligence that that place was already in the hands of Wolfe. With these events the conquest of Canada was assured. In the spring of 1760 Amherst marched with a force of ten thousand regulars and provincials[2] against Montreal. With slight resistance this last stronghold of France was taken and all the French possessions in Canada passed to the British crown.

The conquest of Canada did not close the war. In 1761 a requisition for a new levy of troops was made, which troops were used in repairing the forts, which had fallen into the hands of the English, and for garrison purposes.[3] In 1762 another request for troops was received, and Connecticut with commendable generosity again raised 2,300 men.[4] One thousand of this force, with 1,300 from New York and New Jersey under the command of Major General Lyman, took part in the expedition against Havana.[5] Few of the troops that engaged in this campaign ever returned to Connecticut.[6]

[1] Col. Rec., XI, 222.

[2] Connecticut had raised five hundred men for this campaign. Col. Rec., XI, 349.

[3] *Ibid.*, XI, 480. See letter from Pitt, Doc. Rel. to the Col. Hist. of N. Y., VII, 452; R. I. Col. Rec., VII, 262. Connecticut raised 2,300 men.

[4] Col. Rec., XI, 614. A bounty of five pounds was also offered to those who would join the regular army. *Ibid.*, XI, 622.

[5] War had again broken out between England and Spain in 1762.

[6] Trumbull, II, 449.

Early in 1764 a request was received for troops to join the forces of Amherst which were operating against the Indians on the western frontier.[1] At first the General Court did not see fit to comply with the request as the colony "was not exposed by its situation" to danger. Finally, however, it was agreed to raise two hundred and sixty-five men, who, probably, never left the colony, as the struggle had been brought to a close.

[1] See letter from Halifax, New Hampshire Prov. Papers, VII, 28.

VITA.

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